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United States. Dept. of State
Message from the President of
the United States.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A LETTER

FROM

THE SECRETARY OF STATE,

TO

MR. MONROE,

ON THE

SUBJECT OF THE ATTACK ON THE CHESAPEAKE;

THE

CORRESPONDENCE OF MR. MONROE,

WITH THE

BRITISH GOVERNMENT;

AND ALSO,

MR. MADISON'S CORRESPONDENCE

WITH

MR. ROSE, ON THE SAME SUBJECT.

MARCH 23, 1808.

Printed by order of the house of representatives.

CITY OF WASHINGTON:

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1808.

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To the senate and house of representatives of the United States.

AT the opening of the present session, I informed the legislature that the measures which had been taken with the government of Great Britain for the settlement of our neutral and national rights, and of the conditions of commercial intercourse with that nation, had resulted in articles of a treaty which could not be acceded to on our part; that instructions had been consequently sent to our ministers there to resume the negotiations, and to endeavour to obtain certain alterations, and that this was interrupted by the transaction which took place between the frigates Leopard and Chesapeake. The call on that government for reparation of this wrong, produced, as congress has been already informed, the mission of a special minister to this country; and the occasion is now arrived when the public interest permits and requires that the whole of these proceedings should be made known to you. I therefore now communicate the instructions given to our minister resident at London, and his communications with that government on the subject of the Chesapeake, with the correspondence which has taken place here between the secretary of state and Mr. Rose, the special minister charged with the adjustment of that difference; the instructions to our ministers for the formation of a treaty; their correspondence with the British commissioners and with their own government on that subject; the treaty itself, and written declaration of the British commissioners accompanying it; and the instructions given by us for resuming the negotiation,

with the proceedings and correspondence subsequent thereto. To these I have added a letter lately addressed to the secretary of state, from one of our late ministers, which, though not strictly written in an official character, I think it my duty to communicate, in order that his views of the proposed treaty and of its several articles, may be fairly presented and understood. Although I have heretofore, and from time to time, made such communications to congress, as to keep them possessed of a general and just view of the proceedings and dispositions of the government of France towards this country, yet in our present critical situation, when we find no conduct on our part, however impartial and friendly, has been sufficient to ensure from either belligerent a just respect for our rights, I am desirous that nothing shall be omitted on my part which may add to your information on this subject, or contribute to the correctness of the views which should be formed. The papers which for these reasons I now lay before you, embrace all the communications, official or verbal, from the French government, respecting the general relations between the two countries, which have been transmitted thro' our minister there, or through any other accredited channel since the last session of congress, to which time all information of the same kind had from time to time been given them. Some of these papers have already been submitted to congress; but it is thought better to offer them again, in order that the chain of communications, of which they make a part, may be presented unbroken.

When, on the twenty sixth of February, I communicated to both houses the letter of general Armstrong to Mr. Champagny, I desired it might not be published, because of the tendency of that practice to restrain injuriously the freedom of our foreign correspondence. But perceiving that this caution, proceeding purely from a regard to the public good, has

furnished occasion for disseminating unfounded suspicions and insinuations, I am induced to believe that the good which will now result from its publication, by confirming the confidence and union of our fellow citizens, will more than countervail the ordinary objection to such publications. It is my wish therefore that it may be now published.

TH: JEFFERSON.

March 22, 1808.

From Mr. Madison to Mr. Monroe.

DEPARTMENT OF STATE,

July, 6, 1807.

SIR,

THE documents herewith inclosed from No. 1, to No. 9, inclusive, explain the hostile attack, with the insulting pretext for it, lately committed near the capes of Virginia, by the British ship of war the Leopard, on the American frigate the Chesapeake.

No. 10 is a copy of the proclamation issued by the president interdicting, in consequence of that outrage, the use of our waters and every other accommodation, to all British armed ships.

This enormity is not a subject for discussion. The immunity of a national ship of war from every species and purpose of search on the high seas, has never been contested by any nation. Great Britain would be second to none in resenting such a violation of her rights and such an insult on her flag. She may bring the case to the test of her own feelings, by supposing, that instead of the customary demand of our mariners serving compulsively even on board her ships of war, opportunities had been seized for rescuing them in like manner, whenever the superiority of force or the chance of surprize, might be possessed by our ships of war.

But the present case is marked by circumstances which give it a peculiar die. The seamen taken from the Chesapeake, had been ascertained to be native citizens of the United States, and this fact was made known to the bearer of the demand, and doubtless

communicated by him to his commander, previous to the commencement of the attack. It is a fact also, affirmed by two of the men with every appearance of truth, that they had been impressed from American vessels into the British frigate, from which they escaped, and by the third, that having been impressed from a British merchant ship, he had accepted the recruiting bounty under that duresse, and with a view to alleviate his situation, till he could escape to his own country; add that the attack was made during a period of negotiation, and in the midst of friendly assurances from the British government.

The printed papers herewith sent, will enable you to judge of the spirit which has been roused by the occasion. It pervades the whole community, is abolishing the distinctions of party; and regarding only the indignity offered to the sovereignty and flag of the nation, and the blood of citizens so wantonly and wickedly shed, demands in the loudest tone, an honorable reparation.

With this demand you are charged by the president. The tenor of his proclamation will be your guide in reminding the British government of the uniform proofs given by the United States, of their disposition to maintain faithfully every friendly relation; of the multiplied infractions of their rights by British naval commanders on our coasts and in our harbours; of the inefficacy of reiterated appeals to the justice and friendship of that government; and of the moderation on the part of the United States, which reiterated disappointments had not extinguished; till at length no alternative is left, but a voluntary satisfaction on the part of Great Britain, or a resort to means depending on the United States alone.

The nature and extent of the satisfaction ought to be suggested to the British government, not less by a sense of its own honor than by justice to that of the United States. A formal disavowal of the deed, and restoration of the four seamen to the ship from which

they were taken, are things of course and indispensible. As a security for the future, an entire abolition of impressments from vessels under the flag of the United States, if not already arranged, is also to make an indispensible part of the satisfaction. The abolition must be on terms compatible with the instructions to yourself and Mr. Pinkney on this subject; and if possible without the authorized rejection from the service of the United States, of British seamen who have not been two years in it. Should it be impossible to avoid this concession on the part of the United States, it ought, as of itself more than a reasonable price for future security, to extend the reparation due for the past.

But beyond these indispensible conditions, the United States have a right to expect every solemnity of form and every other ingredient of retribution and respect, which according to usage and the sentiments of mankind are proper, in the strongest cases of insult to the rights and sovereignty of a nation. And the British government is to be apprized of the importance of a full compliance with this expectation, to the thorough healing of the wound which has been made in the feelings of the American nation.

Should it be alleged as a ground for declining or diminishing the satisfaction in this case, that the United States have themselves taken it by the interdict contained in the proclamation, the answer will be obvious. The interdict is a measure not of reparation, but of precaution, and would besides be amply justified by occurrences prior to the extraordinary outrage in question.

The exclusion of all armed ships whatever from our waters is, in fact, so much required by the vexations and dangers to our peace experienced from their visits, that the president makes it a special part of the charge to you, to avoid laying the United States under any species of restraint from adopting that reme-

dy. Being extended to all belligerent nations, none of them could of right complain, and with the less reason, as the policy of most nations has limited the admission of foreign ships of war into their ports, to such numbers, as being inferior to the naval force of the country, could be readily made to respect its authority and laws.

As it may be useful, in enforcing the justice of the present demand, to bring into view applicable cases, especially where Great Britain has been the complaining party, I refer you to the ground taken and the language held by her, in those of Falklands island and Nootka sound, notwithstanding the assertion by Spain in both cases, that the real right was in her, and the possessory only in Great Britain. These cases will be found in the annual registers for 1771, and 1790, and in the parliamentary debates for those years. In the latter you will find also two cases referred to, in one of which the French king sent an ambassador extraordinary to the king of Sardinia, in the most public and solemn manner, with an apology for an infringement of his territorial rights, in the pursuit of a smuggler and murderer. In the other case, an ambassador extraordinary was sent by the British government to the court of Portugal, with an apology for the pursuit and destruction by admiral Boscawen, of certain French ships on the coasts of this last kingdom. Many other cases more or less analogous may doubtless be found. See particularly the reparation by France to Great Britain for the attack on Turk's island, in 1764, as related in the annual register and in Smollet's continuation of Hume, volume 10; the proceedings in the case of an English merchantman, which suffered much in her crew and otherwise, from the fire of certain Spanish Xebecs cruising in the Mediterranean; and the execution of the lieutenant of a privateer for firing a gun into a Venetian merchantman, which killed the captain, as stated in the annual register for 1781, page 94. The case of an

affront offered to a Russian ambassador, in the reign of queen Ann, though less analogous, shews in a general view, the solemnity with which reparation is made, for insults having immediate relation to the sovereignty of a nation.

Although the principle, which was outraged in the proceedings against the American frigate, is independent of the question concerning the allegiance of the seamen taken from her, the fact that they were citizens of the United States, and not British subjects, may have such an influence on the feelings of all, and perhaps on the opinions of some unacquainted with the laws and usages of nations, that it has been thought proper to seek more regular proofs of their national character than were deemed sufficient in the first instance. These proofs will be added by this conveyance, if obtained in time, if not, by the first that succeeds.

The president has an evident right to expect from the British government, not only an ample reparation to the United States in this case, but that it will be decided without difficulty or delay. Should this expectation fail, and above all, should reparation be refused, it will be incumbent on you to take proper measures for hastening home, according to the degree of urgency, all American vessels, remaining in British ports, using for the purpose, the mode least likely to awaken the attention of the British government. Where there may be no ground to distrust the prudence or fidelity of consuls, they will probably be found the fittest vehicles for your intimations. It will be particularly requisite to communicate to our public ships in the Mediterranean the state of appearances, if it be such as ought to influence their movements.

All negotiation with the British government on other subjects, will of course be suspended until satisfaction on this be so pledged and arranged, as to render negotiation honorable. Whatever may be the

result or the prospect, you will please to forward to us the earliest information.

The scope of the proclamation will signify to you, that the president has yielded to the presumption, that the hostile act of the British commander did not pursue the intentions of his government. It is not indeed easy to suppose that so rash and so critical a step should have originated with the admiral, but it is still more difficult to believe that such orders were prescribed by any government, under circumstances, such as existed between Great Britain and the United States.

Calculations founded on dates are also strongly opposed to the supposition, that the orders in question could have been transmitted from England. In the same scale are to be put the apparent and declared persuasion of the British representative Mr. Erskine, that no orders of a hostile spirit could have been issued or authorized by his government, and the coincidence of this assurance with the amicable professions of Mr. Canning, the organ of the new administration, as stated in the dispatch of April 22d, from yourself and Mr. Pinkney.

Proceeding on these considerations, the president has inferred that the justice and honor of the British government will readily make the atonement required; and in that expectation, he has forborne an immediate call of congress, notwithstanding the strong wish which has been manifested by many, that measures depending on their authority, should without delay be adopted. The motives to this forbearance have at the same time, been strengthened by the policy of avoiding a course which might stimulate the British cruisers, in this quarter, to arrest our ships and seamen now arriving, and shortly expected in great numbers from all quarters. It is probable, however, that the legislature will be convened in time to receive the answer of the British government, on the subject of this dispatch, or even sooner, if the conduct of the

British squadron here, or other occurrences, should require immediate measures beyond the authority of the executive.

In order to give the more expedition and security to the present dispatch, a public armed vessel, the Revenge, is specially employed, and doctor Bullus is made the bearer, who was on board the Chesapeake, on his way to a consulate in the Mediterranean, and will be able to detail and explain circumstances which may possibly become interesting in the course of your communications with the British government.

The vessel after depositing doctor Bullus at a British port, will proceed with dispatches to a French port, but will return to England with a view to bring the result of your transactions with the British government. The trip to France will afford you and Mr. Pinkney a favorable opportunity for communicating with our ministers at Paris, who being instructed to regulate their conduct on the present occasion, by the advices they may receive from you, will need every explanation that can throw light on the probable turn and issue of things with Great Britain.

I have the honor to be, &c.

(Signed)

JAMES MADISON.

Correspondence between Mr. Monroe and the British government.

FOREIGN OFFICE,

Saturday, July 25, 1807.

Mr. Canning presents his compliments to Mr. Monroe, and, with sentiments of the deepest regret, hastens to inform him that intelligence has just been received of a transaction which has taken place off the coast of America, between a ship of war of his majesty, and a frigate belonging to the United States, the result of which has been the loss of some lives on board the American frigate.

The particulars of this transaction, and the grounds of the justification of the British officer, and of the admiral under whose orders he acted, Mr. Canning is not at present enabled to communicate to Mr. Monroe.

If Mr. Monroe should have received any accounts of it, Mr. Canning trusts that he will lose no time in communicating them to Mr. Canning.

But whatever the real merits and character of the transaction may turn out to be, Mr. Canning could not forbear expressing without delay the sincere concern and sorrow which he feels at its unfortunate result; and, assuring the American minister, both from himself and on the behalf of his majesty's government, that if the British officers should prove to have been culpable, the most prompt and effectual reparation shall be afforded to the government of the United States.

James Monroe, esq. &c. &c. &c.

PORTLAND PLACE,

Monday, July 27, 1807.

TO MR. CANNING.

Mr. Monroe presents his compliments to Mr. Canning, and is much obliged to him for the information communicated in his note of Saturday. Mr. Monroe has heard with extreme regret the account it contains of a rencounter between a British ship of war and an American frigate, off the coast of the United States. He has no knowledge of the subject except what Mr. Canning's note has furnished, but will not fail to communicate the earliest intelligence which he may receive of an event so deeply to be lamented. Mr. Monroe derives in the mean time much satisfaction from the friendly assurance of Mr. Canning, that this unfortunate occurrence was not authorized by his majesty's government, and that suitable reparation will be made for the injury, if on enquiry the British officer shall be found the aggressor.

The right honorable

GEORGE CANNING, &c. &c. &c.

PORTLAND PLACE,

July 29, 1807.

SIR,

Although I have no instruction from my government on the subject, it is my duty to request the attention of his Britannic majesty's government to a late aggression on the sovereignty of the United States of a very extraordinary nature. The circumstances of the transaction are too distinctly marked to leave any doubt of the extent of the outrage, or of the reparation which it obviously claims. By accounts which are entitled to full confidence, it appears that on the

23d of June last his majesty's ship the Leopard attacked an American frigate off the coast of the United States, with a view to assert and enforce the unfounded and most unjustifiable pretension to search for deserters, and, after having killed and wounded a number of her men, entered on board and carried away forcibly several of the crew. The conduct of the British officer, which in itself forms an act of complete hostility, is rendered more reprehensible from the consideration that just before this aggression he held a station within the jurisdiction of the United States in the waters of the Chesapeake, where, while he enjoyed the rights of hospitality, he projected this attack against the ship of a neutral power, whose commander relying on the good faith of his majesty's government, and the friendly relations subsisting between Great Britain and the United States, could not have suspected the design. I might state other examples of great indignity and outrage, many of which are of recent date, to which the United States have been exposed off their coast, and even within several of their harbors, from the British squadron; but it is improper to mingle them with the present more serious cause of complaint. I have called your attention to this subject in full confidence that his majesty's government will see in the act complained of a flagrant abuse of its own authority, and that it will not hesitate to enable me to communicate to my government, without delay, a frank disavowal of the principle on which it was made, and its assurance that the officer who is responsible for it shall suffer the punishment which so unexampled an aggression on the sovereignty of a neutral nation justly deserves.

I have the honor to be,
With great consideration,
Sir,
Your very obedient servant,
(Signed) JAMES MONROE.

The right honorable
GEORGE CANNING, &c. &c. &c.

Foreign Office, August 3, 1807.

SIR,

I have the honor to acknowledge the receipt of your official note of the 29th ultimo, which I have lost no time in laying before the king.

As the statement of the transaction to which this note refers is not brought forward either by the authority of the government of the United States, or with any precise knowledge of the facts on which it is founded, it might have been sufficient for me to express to you his majesty's readiness to take the whole of the circumstances of the case, when fully disclosed, into his consideration, and to make reparation for any alleged injury to the sovereignty of the United States, whenever it should be clearly shewn that such injury has been actually sustained, and that such reparation is really due.

Of the existence of such a disposition on the part of the British government, you, sir, cannot be ignorant: I have already assured you of it, though in an unofficial form, by the letter which I addressed to you on the first receipt of the intelligence of this unfortunate transaction; and I may, perhaps, be permitted to express my surprise, after such an assurance, at the tone of that representation which I have just had the honor to receive from you.

But the earnest desire of his majesty to evince, in the most satisfactory manner, the principles of justice and moderation by which he is uniformly actuated, has not permitted him to hesitate in commanding me to assure you that his majesty neither does nor has at any time maintained the pretension of a right to search ships of war, in the national service of any state, for deserters.

If, therefore, the statement in your note should prove to be correct, and to contain all the circumstances of the case upon which complaint is intended to be made; and if it shall appear that the act of his majesty's officers rested on no other grounds than the

simple and unqualified assertion of the pretension above referred to, his majesty has no difficulty in disavowing that act, and will have no difficulty in manifesting his displeasure at the conduct of his officers.

With respect to the other causes of complaint (whatever they may be) which are hinted at in your note, I perfectly agree with you in the sentiment which you express as to the propriety of not involving them in a question which is of itself of sufficient importance to claim a separate and most serious consideration.

I have only to lament that the same sentiment did not induce you to abstain from alluding to these subjects, on an occasion which you were, yourself of opinion, was not favorable for pursuing the discussion of them.

I have the honor to be,

With great consideration,

Sir,

Your most obedient humble servant,

GEORGE CANNING.

James Monroe, esquire.

LONDON, August 4, 1807.

SIR,

I avail myself of the opportunity afforded by Mr. Biddle, to communicate to you a copy of a correspondence, and the substance of a conference, between Mr. Canning and myself, relative to the late aggression on the peace and sovereignty of the United States, by the British ship Leopard, in an attack on the Chesapeake frigate off the capes of Virginia.

Mr. Canning's private letter of July 25, which gave the first intelligence of the occurrence, left it doubtful whether the British officers had been culpable in it; and as I knew how very reprehensible their conduct had been on our coast on many other occasions, and to what height the sensibility of our citizens had been excited by it, I thought it not improbable that something might have occurred to divide the blame between the parties. It was under that impression that my answer was written. On the next day the leading features of the transaction were presented to the public through the medium of the gazettes, which were taken from private accounts received directly from Halifax, by the vessel which had been dispatched by admiral Berkely with the official one. By these it was evident that the British officer was completely the aggressor, in an outrage of great enormity, attended with circumstances which increased the offence. It was understood likewise from good authority, that the official intelligence which the government had received, corresponded with and confirmed the other accounts already before the public.

On full consideration of these circumstances, I concluded that it would be highly improper for me to leave the affair on the ground on which Mr. Canning had placed it. I could see no other motive in him to obtain farther information, than for the purpose of ascertaining whether the men said to be deserters, and for whom the attack was made, were American citizens or British subjects, to which it was impossible for me to give any countenance. I thought it indispensible, therefore, to call on the government to disavow the principle, and to engage such other reparation to the United States, as their injured honor obviously required. It appeared to me that any delay in taking that step, which depended on an abstract principle, and required no argument to illustrate or facts to support it, would have a tendency to weaken a claim which was unquestionable, and to countenance

the idea that it would not be supported with suitable energy.

I had, before the knowledge of this event, obtained the appointment of an interview with Mr. Canning on other business, to take place on the 29th ultimo. We met according to the appointment. I observed, on opening the conference, that although the topics which had brought us together were important, the late occurrence at the entrance of the Chesapeake had in a great measure put them out of sight. He expressed his regret that such an event, which would at all times furnish cause of concern, should have happened at the present time. He asked if the men in question were American citizens or British subjects? I replied that that was a point which could not come into view in the case: that it was one which, according as the fact might be, would make the cause more or less popular in either country, but could not affect the principle: that on principle a ship of war protected all the people on board, and could not be entered to be searched for deserters, or for any other purpose, without violating the sovereignty of the nation whose flag she bore: that in the present case I had been assured that the men were American citizens, and that the British minister at Washington had been made acquainted with it. He said little on the subject; but by the tendency of what he did say he seemed to imply, that his government could not lose sight of the consideration above alluded to; nor, indeed, did he admit by any thing that escaped him, that the abstract principle itself would not be insisted on. His remarks, however, were generally of a friendly and conciliatory character. Without pledging himself on any point, he seemed desirous to satisfy me that no new orders had been issued by the present ministry to the commandant of the British squadron at Halifax. On this subject I observed, that as the notes which had passed between us were informal, and on a very limited view of the subject on my part, it would be

proper for me, now that the circumstances were better known, to present him an official note on it. He admitted the propriety of it.

I then drew Mr. Canning's attention to the subjects on which I had asked the interview; being the case of the Impétueux, captain Love's correspondence, the conduct of captain Douglas, and of the British squadron generally on our coast. I observed that I had heretofore postponed any official communication on these points, from a desire to connect them with the greater object depending between our governments, and of course from motives the most friendly: that I brought them to his view at this time, in consequence of Mr. Pinkney and myself having commenced the other business, as he knew had been done. He promised to attend to them.

On the 29th of July, I wrote Mr. Canning the note which I had promised him in the late interview. I addressed it in terms which I thought suitable to the occasion, observing to state in it that I took the step from a sense of duty, applicable to my station as the resident minister, and without authority from my government. I considered the act in my note as that of the British officer, as one in which the government had no agency, was not bound to support, and which it would be honorable for it to disavow. I flattered myself that some advantage might arise from the measure, and that under the circumstances in which it was taken, no injury possibly could. His reply is dated on the third instant, which, though addressed in a harsh tone, may be considered as conceding essentially the point desired. It is my intention to say nothing more to him on the subject till I hear from you, and in the mean time to observe the most conciliatory conduct that circumstances will admit.

Such is the state of this country at the present crisis that it is impossible to foresee what will be its course of conduct towards the United States. There has been at all times since the commencement of the

present war, a strong party here for extending its ravages to them. This party is combined of the ship-owners, the navy, the East and West India merchants, and certain political characters of great consideration in the state. So powerful is this combination that nothing can be obtained of the government on any point, but what may be extorted by necessity. The disasters to the north ought to inspire moderation; but with respect to the northern powers it seems to have produced directly the opposite effect. A fleet of about twenty-five sail of the line with a suitable number of frigates, and above 20,000 men, has been lately equipped, and as it is said, sent to the Baltic to take possession of the Danish and Russian navies. This measure is imputed to an understanding which it is supposed has been established between the cabinets of Russia and Paris, by the late peace; and which has for its object, a concert of measures for the purpose of attempting to force on this country a maritime code more favorable to neutral nations. The motive assigned for the expedition is that of taking possession of the Danish fleet to keep it out of the hands of the French; that the Russian fleet is one of the objects is not so generally believed, though perhaps not less probable.

Mr. Pinkney and myself have taken the first step in our business. We will write you in a few days the state of it. You may be assured that we shall do every thing in our power to promote, in the mode most likely to succeed, the object of our instructions and the interests of our country. Want of time prevents my going into farther detail.

I have the honor to be,
With great respect,
Sir,
Your most obedient servant,
JAMES MONROE.

JAMES MADISON,
Secretary of State,
Washington

FOREIGN OFFICE,

August 8, 1807.

SIR,

Having received from his majesty's minister in America an unofficial printed paper, purporting to be a copy of a proclamation of the president of the United States, I have to request that you will be pleased to acquaint me, whether you have received any communication from your government which enables you to pronounce if such paper be authentic.

In the event of your being empowered to admits its authenticity, I have farther to request of you, that you will inform me, whether you are also authorized to announce it to be the intention of the government of the United States to carry into effect the measures stated in the proclamation of the president, without requiring, or waiting for, any explanation, on the part of the British government, with respect to the late unfortunate transaction, upon which the determination to resort to these measures is professed to be founded.

I have the honor to be,
Sir,
Your most obedient,
Humble servant,
(Signed) GEORGE CANNING.

P. S. I have the honor to enclose an American news-paper, containing a copy of the paper in question.

James Monroe, Esq. &c. &c. &c.

PORTLAND PLACE,

August 9, 1807.

TO MR. CANNING.

SIR,

I have the honor to acknowledge the receipt of your note of yesterday, and should not hesitate to communicate the information which you have desired

if I possessed it; but as I have not heard from my government on the subject of the unfortunate occurrence alluded to, it is not in my power to state to you any thing on the part of my government respecting it. I have no doubt that I shall be instructed in a very few days to make a communication to his majesty's government on that highly interesting event, in which I shall be enabled to furnish a full and just view of all the circumstances attending it. As soon as I receive instructions I shall hasten to apprise you of it.

I have the honor to be,
With high consideration,
Sir,
Your most obedient servant,
(Signed) JAMES MONROE.

The right honorable
GEORGE CANNING, &c. &c. &c.

LONDON, *August* 14, 1807.

SIR,

I had the honor to transmit you with my letter of the 4th instant, a copy of a correspondence with Mr Canning, relative to the late aggression in the case of the Chesapeake. You will receive with this a copy of a more recent one on the same subject.

By Mr. Canning's queries in his last note, I was led to consider it as preparatory to an embargo on American vessels. I could not conceive why he should request information of me, whether the president's proclamation was authentic, and when it would be carried into effect, if it was not intended to found some measure, on my reply, of an unfriendly nature. The information desired was not necessary to remove any doubts of his government on the points to which it applied, or to enable it to do justice to the United States, in regard to the aggression of which they complained. The presumption that an embargo was intended gained strength from the circumstance that

most of the gazettes had recommended, and that the public mind seemed to be essentially prepared for it. It was my most earnest wish to prevent, as far as in my power, so unjust and pernicious a procedure. As the measure contemplated, whatever it might be, seemed to be suspended for my answer, I was extremely solicitous by the manner, to deprive this government of all pretext for any of the kind alluded to. By replying generally, that I had no instruction from my government, and could state nothing on its part respecting the late occurrence, I avoided giving a direct answer to Mr. Canning's queries; and by drawing his attention to the application which it was to be presumed would soon be made on the part of my government, on that subject, I endeavoured to shew more strongly the impolicy and injustice which would stamp any such measure on the part of Great Britain in the present stage.

No step has yet been taken by this government of an unfriendly character toward the United States, and from the communication which Mr. Canning made to the house of commons, on the day he received my last note, which you will find in the gazettes sent, I am persuaded that things will remain in the state in which they are, until your dispatch is received. I trust that a disposition exists to make such reparation on the point in question, as will be satisfactory to the United States, and that it will be practicable and not difficult to preserve the friendly relations subsisting between the two countries. The party however, in favor of war, consisting of the combined interests mentioned in my last, is strong and active, so that it is impossible to foresee the result.

I have the honor to be,
With great respect,
Sir,
Your obedient servant,
JAMES MONROE.

James Madison,
Secretary of State, Washington.

No. 10. PORTLAND PLACE,

September 1, 1807.

TO MR. CANNING.

Mr. Monroe presents his compliments to Mr. Canning, and has the honor to inform him, that he has just received instructions from his government, relative to the late attack of the United States frigate Chesapeake, by his majesty's ship Leopard, off the coast of the United States. Mr. Monroe requests that Mr. Canning would have the goodness to give him an early interview on that subject.

Mr. Monroe requests Mr. Canning to accept the assurances of his high consideration.

No. 11. FOREIGN OFFICE,

September 1, 1807.

FROM MR. CANNING.

Mr. Canning presents his compliments to Mr. Monroe, and requests the honor of seeing him at the foreign office on Thursday next, at twelve o'clock.

Mr. Canning would have proposed to see Mr. Monroe to-morrow, if he had not been under the necessity of attending the levee, and the council at the queens palace.

Mr. Canning requests Mr. Monroe to accept the assurances of his high consideration.

James Monroe, esquire, &c. &c. &c.

PORTLAND PLACE,

September 7, 1807.

SIR,

By the order of my government it is my duty to request your attention to the aggression lately committed on the peace and sovereignty of the United States, by his Britannic majesty's ship of war Leopard, in an attack on an American frigate, the Chesapeake, off the capes of Virginia. The object of this communication is to obtain of his majesty's government a suitable reparation for that outrage, and such an arrangement of the great interest which is connected with it, as will place the future relations of the two powers on a solid foundation of peace and friendship.

In bringing this subject again to the view of his majesty's government, it is unnecessary to dwell on circumstances which are already so well known to you. By the documents which I have the honor to transmit you, it is shewn that while the outrage was unprovoked and unexpected on one side, there was nothing to extenuate it on the other. The commander of his majesty's squadron on the coast of the United States, appears to have acted on a presumption, that he possessed the power to make war, and to decide on the causes of war. It will be difficult to explain the conduct of that officer on any other principle, and equally so to find an example of an aggression marked with such high indignity and injustice to a friendly power.

The pretext for this aggression could not fail to heighten the sense of injury which the act itself was so signally calculated to excite. My government was taught to infer from it, that there was no limit to a pretension which had already produced so much mischief, and against which so many remonstrances had been presented, in its application to merchant vessels. But I find with great satisfaction that this pretension forms no topic for discussion between us in

respect to ships of war; and I trust that the just and enlightened policy which produced the decision in one instance, will surmount the obstacle which has hitherto embarrassed it in the other.

The national character of the men who were taken thus violently from on board the Chesapeake, makes no part of the question. It is impossible that it should come into view in estimating the injury which the United States have received. The outrage involves a great and uncontested principle, which ought not, in any view, to be affected by appealing to national sensibilities on either side. I have however the honor to transmit you documents which will I presume satisfy you that they were American citizens.

With respect to the reparation which my government ought to receive for this outrage, it will only be necessary to appeal to those sentiments which Great Britain would be sure to indulge, under like circumstances: to that sensibility to national honor which has distinguished so many epochs of her history. It will be recollected that the injury which in itself was great, was much aggravated by the circumstances which attended it: that the peaceful relations of the United States were violated and their unsuspecting confidence surprized. But I forbear to recite details which it is painful to contemplate. You will I am persuaded be satisfied that in every light in which the subject can be seen, the honor of my government and of the whole nation has been greatly outraged by the aggression, and that it becomes the honor of his majesty's government to make a distinguished reparation for it.

In presenting, in this friendly manner, this important subject to the consideration of his majesty's government, I am particularly instructed to request its attention to the great cause to which this and so many other injuries of a like kind may be traced, the impressment of men from the merchant vessels of the United States. In many essential circumstances the

objections which are applicable to impressments from ships of war are equally applicable to those from merchant vessels. To the individuals who suffer by the practice the injury is the same in either case. Their claim on their government for protection is in both cases equal: every maxim of public law and private right which is violated in one, is equally violated in the other. The relation of the belligerent to the neutral power, extends to certain objects only, and is defined in each by known laws. Beyond that limit the rights of the neutral are sacred and cannot be encroached on without violence and injustice. Is there a question of contraband, is the vessel destined to a blockaded port in violation of established principles, or does she contain enemies property, the greatest extent to which the maritime law is carried by any nation? In these cases she is conducted to port for trial; the parties are heard by an impartial and responsible tribunal, and are heard again by appeal if they desire it. Are any of the passengers on board the neutral vessel in the naval or military service of the enemy? If such are found they are made prisoners, but as prisoners they have rights which the opposite belligerent is bound to respect. This practice however looks to other objects than are here recited. It involves no question of belligerent on one side and of neutral on the other. It pursues the vessel of a friend for an unlawful purpose, which it executes in a manner equally unlawful. Every commercial vessel of the United States that navigates the ocean is liable to be invaded by it, and not an individual on board any of them is secure while the practice is maintained. It sets up every officer of his majesty's navy as a judge, from whose decision there is no appeal. It makes him a judge not of property, which is held more sacred, nor of the liberty of his fellow subjects only, however great the trust and liable to abuse on the main ocean, but of that of the citizens of another power, whose rights as a nation, are trampled

on by the decision; a decision, in rendering which, every rule of evidence is violated, as it puts the proof of innocence on the accused; and is further highly objectionable as there is too much reason to believe that it has been often guided more by the fitness of the party for service than any other circumstance. The distressing examples of this system of aggression, as it has affected individuals, on a scale of vast extent, it is unnecessary to recount here. They may be easily imagined. Voluminous documents which prove them, are in the possession of both governments.

It is possible that this practice may in certain cases and certain circumstances have been extended to the vessels of other powers; but with them there was an infallible criterion to prevent error. It would be easy to distinguish between an Englishman and a Spaniard, an Italian or a Swede; and the clear and irresistible evidence of his national character, and perhaps of his desertion, would establish the British claim to the individual, and reconcile the nation into whose service he had entered, to his surrender. But the very circumstances which would constitute an infallible criterion in those cases, would be sure to produce endless error in the other. Who is so skilful in physiognomy as to distinguish between an American and an Englishman, especially among those whose profession, and whose sea-terms are the same? It is evident that this practice as applied to a foreign nation, to any great extent, has grown out of the American revolution, and that it is impossible for the United States not to see in it the assertion of a claim which is utterly incompatible with that great event. When the character of this claim, and the pernicious tendency of the practice, are maturely weighed, it must furnish cause for surprise, that some just and friendly arrangement has not long since been adopted, to prevent the evils incident to it.

My government is aware that his majesty's government has also an interest of importance to attend to in this delicate concern, and I am instructed to state on its part that the best disposition exists to provide for it. The United States are far from desiring to profit of a resource which does not belong to them, especially to the prejudice of a friendly power. In securing them against a practice, which is found to be so highly injurious to their dearest rights, and most valuable interests, every suitable provision will be made to give equal security to those of Great Britain. On this point I am authorized to enter into such an engagement, as will, I am persuaded, be adequate to the object.

This great interest of impressment has been blended in all its relations, as you will perceive, by no act of the United States. Its connection with the late disastrous incident has been produced by an extraordinary act of violence, of which they were the victims only. That act, which exhibits the pretension in its widest range, has become identified with the general practice, in the feelings and sympathies of the nation, and in the sentiment of the government. I trust therefore that his majesty's government will be equally disposed to take up the whole subject at this time, and in making the reparation which the particular injury claims, provide a remedy for the whole evil. My government looks to this complete adjustment with confidence, as being indispensibly necessary to heal the deep wound which has been inflicted on the national honor of the United States, by so great and unjustifiable an outrage.

I avail myself, with great satisfaction, of the opportunity which this communication affords, to acknowledge the prompt assurance which you gave me of the disposition of his majesty's government to make a suitable reparation to the government of the United States for the injury, of which, by its order, it is now my duty to complain; and for the frank disavowal of

the pretension on which it was founded. I hastened to transmit copies of those documents to my government, by whom, I trust, they are by this time received.

I have the honor to be,

With great consideration,

Sir,

Your most obedient

Humble servant,

(Signed) JAMES MONROE.

The right honorable

GEORGE CANNING, &c. &c. &c.

No. 13. PORTLAND PLACE,

September 9, 1807.

TO MR. CANNING.

Mr. Monroe presents his compliments to Mr. Canning, and has the honor to inform him that he called at his office yesterday for the purpose of making some remarks on the subject treated in his note, which was sent to Mr. Canning. Mr. Monroe regrets that he had not the pleasure of seeing Mr. Canning at that time, and requests that he will be so good as to give him an interview to-morrow at such hour as may be most convenient to him. Mr. Monroe will be happy to attend Mr. Canning in the country, should it be more agreeable to Mr. Canning to receive him there.

No. 14. BURLINGTON HOUSE,

Wednesday, Sept. 9, 1807,

$\frac{3}{4}$ past 8 p. m.

FROM MR. CANNING.

Mr. Canning presents his compliments to Mr. Monroe, and will be happy to have the honor of seeing him at the foreign office to-morrow at twelve o'clock.

Mr. Canning has but this moment received Mr. Monroe's note.

No. 15. *London, Sept.* 16, 1807.

TO THE SECRETARY OF STATE.

SIR,

I had the honor to receive your letter of July 6, by Dr. Bullus, on the 31st ultimo, and did not lose a moment in entering on the business committed to me by it in the manner which seemed most likely to obtain success. The details shall be communicated to you in my next dispatch. All that I can state at present is, that the whole subject has been placed fully before this government in as strong an appeal to its interest and judgment as I could make, and that as a week has elapsed since my official note was presented, I am in daily expectation of receiving its decision on it. The moment is in many views very favorable to a satisfactory result, but still it is not in my power, from any thing that has occurred, to speak with confidence of it. The joint negotiation committed to Mr. Pinkney and myself was suspended by the intelligence of the affair with our frigate, and has never been revived. That intelligence reached this about a week after Mr. Purviance, so that we had only been able, with the utmost diligence, to take the preliminary step of presenting to Mr. Canning, in conformity

to our instructions, a project, and of explaining to him in the most minute and comprehensive manner that we could, every circumstance appertaining to it. No answer was given to our communication. The suspension, therefore, of the negotiation was imputable to Mr. Canning; had he answered our communication and proposed to proceed in the negotiation, it would have become a question for the commission to have decided how far it would have been proper, under existing circumstances, to comply with the invitation; his silence, however, relieved us from that dilemma.

I have the honor to be,
With great respect,
Sir,
Your most obedient servant,
(Signed) JAMES MONROE.

P. S. A copy of my note to Mr. Canning is enclosed.

No. 16. FOREIGN OFFICE,

September 23, 1807.

FROM MR. CANNING.

SIR,

I have laid before the king, my master, the letter which I had the honor to receive from you on the 8th of this month.

Before I proceed to observe upon that part of it which relates more immediately to the question now at issue between our two governments, I am commanded, in the first instance, to express the surprize which is felt at the total omission of a subject, upon which I had already been commanded to apply to you

for information—the proclamation purported to have been issued by the president of the United States. Of this paper, when last I addressed you upon it, you professed not to have any knowledge, beyond what the ordinary channels of public information afforded, nor any authority to declare it to be authentic.

I feel it an indispensible duty to renew my enquiry on this subject. The answer which I may receive from you is by no means unimportant to the settlement of the discussion which has arisen from the encounter between the Leopard and the Chesapeake.

The whole of the question arising out of that transaction, is in fact no other than a question as to the amount of reparation due by his majesty for the unauthorized act of his officer: and you will, therefore, readily perceive, that in so far as the government of the United States have thought proper to take that reparation into their own hands, and to resort to measures of retaliation, previously to any direct application to the British government, or to the British minister in America, for redress; in so far the British government is entitled to take such measures into account, and to consider them in the estimate of reparation which is acknowledged to have been originally due.

The total exclusion of all ships of war belonging to one of two belligerent parties, while the ships of war of the other were protected by the harbours of the neutral power, would furnish no light ground of complaint against that neutral, if considered in any other point of view than as a measure of retaliation for previous injury: and, so considered, it cannot but be necessary to take it into account in the adjustment of the original dispute.

I am, therefore, distinctly to repeat the inquiry, whether you are now enabled to declare, sir, that the proclamation is to be considered as the authentic act of your government? and if so, I am further to inquire whether you are authorized to notify the inten-

tion of your government to withdraw that proclamation on the knowledge of his majesty's disavowal of the act which occasioned its publication?

The light in which you are directed to represent admiral Berkeley's conduct, and the description which you give of the character of the measure imputed to him; that "he acted as if he had the power to make war and to decide the causes of war," sufficiently evince the necessity of comprehending in this discussion, all the circumstances which have led to, or have followed the action with the Chesapeake.

Undoubtedly the attack upon a national ship of war is an act of hostility; and the very essence of the charge against admiral Berkeley, as you represent it, is the having taken upon himself to commit an act of hostility without the previous authority of his government.

The proclamation which may have led to such an act, without such previous authority, if it cannot justify, may possibly extenuate it: as the steps which have been taken in reprisal, though they cannot alter the character of the original act, may and do materially affect every question concerning the reparation claimed for it.

On this ground it is, that, while I am commanded to repeat to you (what you consider as so satisfactory) that the general and unqualified pretension to search ships of war for deserters is not asserted by this country, I am precluded from concurring in the inference, that therefore "the national character of the men who were violently taken from on board the Chesapeake makes no part of the present question."

If the right to search ships of war for deserters is not insisted upon by this country, it is not because the employment and the detention of British mariners on board the national ship of any state are considered as less injurious towards Great Britain than their employment on board of merchant vessels (a proposition which would be manifestly absurd): it is not intended

to allow, that the sailors of Great Britain may be justly employed against her consent, in foreign ships of war; but merely that redress is, in that case, to be sought for by government from government; and not to be summarily enforced by the unauthorized officer of any of his majesty's ships of war.

It follows from this reasoning that not only the "national character of the men taken out of the Chesapeake is matter for consideration, but that the reparation to be made by the British government to that of the United States, would depend, among other circumstances, on the question whether an act, which the British government would be justified in considering as an act of hostility, had been committed by the government of the United States (in refusing to discharge British seamen in their national service) previously to the commission of an act of hostility of an officer of his majesty.

The act of the British officer would still be an authorized act, and as such liable to complaint and disapprobation; but the case, as between government, would be materially varied.

At the same time that I offer to you this explanation of the principles upon which his majesty has authorized me to discuss with you the subject of your representation, and that I renew to you the assurance of the disposition to conduct that discussion in the most amicable form, and to bring it to a conclusion satisfactory to the honor, and to the feelings of both countries; it is matter of regret that you should have been instructed to annex to the demand of reparation for the attack of the Leopard upon the Chesapeake, any proposition whatever respecting the search for British seamen in merchant vessels; a subject which is wholly unconnected with the case of the Leopard and the Chesapeake, and which can only tend to complicate and embarrass a discussion, in itself of sufficient delicacy and importance.

In stating the grounds upon which your government expect with confidence that "the whole subject

of impressment, shall be taken up at this time," and that in making the reparation which was claimed for the particular injury alleged to have been sustained by the United States in the late unfortunate transaction off the capes of Virginia, "a remedy shall be provided for the whole evil;" you appear to have been directed to assume that this act of violence (such as you describe it) is the natural and almost necessary result of the practice of impressment of British seamen from the merchant vessels of other states; and to represent the particular transaction, and the general question of impressment as "identified in the feelings and sympathies of your nation, as well as in the sentiment of your government."

With every attention due to the feelings of the people of the United States, I am sure you will readily allow that those feelings cannot properly be considered as affecting the merits of the case.

The first ebullitions of national sensibility, may very naturally have communicated an impulse to the proceedings of the American government; but it cannot be expected that they should guide the deliberate opinions and conduct of the government with which you have to treat. I would farther observe to you, that your government cannot reasonably claim any advantage in argument from the expressed sense of its own people, unless it be prepared at the same time to take upon itself a responsibility (which there is no desire of attributing to it) for the outrage and indecency, with which, upon the late occasion, that expression has, in too many instances, been accompanied. It is better for temperate reasoning, and assuredly it is more advantageous for the government of the United States, that the consideration of popular feeling should be wholly omitted in this discussion.

The right and the practice of which you are instructed to complain, as irreconcilable with justice, and intolerable in all their parts, have been exercised by Great Britain from the earliest ages of the British na-

val power; even without any qualification or exception in favor of national ships of war.

The grounds upon which such a distinction has been admitted in later times, and upon which, for the course of nearly a century, the crown has forborne to instruct the commanders of its ships of war, to search foreign ships of war for deserters, I have already had the honor to explain to you: and you will have perceived that those grounds are wholly inapplicable to ships in the merchant service.

That a foreign power will not, knowingly, retain in its national service, mariners the natural-born subjects of his majesty, who have been recalled by public proclamation, may be regarded as a presumption arising out of the hostile nature of the act, and out of the probable consequences to which such an act of hostility must lead.

But with respect to merchant vessels, there is no such presumption.

When mariners, subjects of his majesty, are employed in the private service of foreign individuals, under private civil contracts, the king's subjects, and the foreign individuals with whom they contract to serve, enter into engagements inconsistent with the duty of his majesty's subjects towards him; but to those engagements the government of the foreign nation has not made itself a party.

In such cases, the species of redress which the practice of all times has admitted and sanctioned, is that of taking those subjects at sea out of the service of such foreign individuals; and recalling them to the discharge of that previous and paramount duty, which they owe to their sovereign and to their country.

That the exercise of this right involves some of the dearest interests of Great Britain, your government is ready to acknowledge, and has, accordingly, authorized you to propose certain regulations which you apprehend would be equivalent in their effect for the preservation of the interests concerned.

There will be no indisposition here to entertain at a proper time, the discussion of such proposed regulations. But when you recollect that many proposals to this effect have already been brought forward, and have been found wholly inadmissible ; when you have yourself recently had occasion to experience the difficulty of framing any satisfactory arrangement upon the subject; with all the anxiety which is properly felt by both governments for the speedy adjustment of the difference between them, and for the " healing of that deep wound which you state to have been inflicted on the national honor of the United States ;" surely it is not well advised to make the termination of that difference and the healing of that wound, dependent wholly on the complete success of an attempt, which has already been made so often, and which has hitherto uniformly failed.

Your own reasoning shews that you are aware of the more than ordinary difficulty which must attend any arrangement for the prevention of desertion, between two nations, whose similarity of manners and habits, and whose identy of language, interpose so many impediments to the discrimination of " national character."

To these circumstances, and not (as you seem almost to insinuate) to any peculiar harshness towards the United States, it is owing, that the exercise of this right, as with respect to them, is necessarily more frequent than with respect to any other nation ; and is felt by them to be more rigid and vexatious. But these circumstances cannot furnish an argument for the suspension of the exercise of the right with respect to America, unless it be contended that multiplicity of frauds and difficulty of detection are reasons against suspicion, or motives for acquiescence.

As little foundation is there for the complaint that the practice has grown out of the recognition of American independence ; and that the character of that event is affected by its continuance.

It is needless to repeat that these rights existed in their fullest force, for ages previous to the establishment of the United States of America, as an independent government; and it would be difficult to contend that the recognition of that independence, can have operated any change in that respect; unless it can be shewn that in acknowledging the government of the United States, Great Britain virtually abdicated her own rights as a naval power; or unless there were any express stipulations, by which the ancient and presumptive usages of Great Britain, founded in the soundest principles of natural law, though still enforced against other independent nations of the world, were to be suspended whenever they might come in contact with the interests or the feelings of the American people.

I would now recall your attention to the consideration of the question respecting the late transaction between the Leopard and the Chesapeake; which, till the receipt of your letter, I imagined to be the only question actually in discussion between us; and in consideration of the delicacy and pressing importance of which, we had, by common consent, waved the consideration of all other matters pending between our two governments.

Into the discussion of this question I am prepared to enter; with what disposition, on the part of his majesty's government, to consult the feelings and the honor of the government of the United States, it is not necessary for me here to declare, for you have yourself done justice to the sincerity of that disposition.

The difficulties in the way of such adjustment are already smoothed, by the disavowal voluntarily offered, at the very outset of the discussion, of the general and unqualified pretension to search ships of war for deserters. There remained only to ascertain the facts of the particular case, and to proportion the reparation to the wrong.

Is the British government now to understand, that you, sir, are not authorized to enter into this question separately and distinctly; without having obtained, as a preliminary concession, the consent of this country to enter into discussion with respect to the practice of searching merchant vessels for deserters?

Whether any arrangement can be devised by which this practice may admit of modification, without prejudice to the essential rights and interests of Great Britain, is a question which, as I have already said, the British government may, at a proper season, be ready to entertain: but whether the consent of Great Britain to the entering into such discussion shall be extorted as the price of an amicable adjustment, as the condition of being admitted to make honorable reparation for an injury, is a question of quite a different sort, and one which can be answered no otherwise than by an unqualified refusal.

I earnestly recommend to you, therefore, to consider, whether the instructions which you have received from your government, may not leave you at liberty to come to an adjustment of the case of the Leopard and the Chesapeake, independently of the other question with which it appears to have been unnecessarily connected.

If your instructions leave you no discretion, I cannot press you to act in contradiction to them. In that case there can be no advantage in pursuing a discussion which you are not authorized to conclude: and I shall have only to regret that the disposition of his majesty to terminate that difference amicably and satisfactorily, is for the present rendered unavailing.

In that case, his majesty in pursuance of the disposition of which he has given such signal proofs, will lose no time in sending a minister to America, furnished with the necessary instructions and powers for bringing this unfortunate dispute to a conclusion, consistent with the harmony subsisting between Great Britain and the United States. But, in order to avoid

the inconvenience which has arisen from the mixt nature of you instructions, that minister will not be empowered to entertain, as connected with this subject, any proposition respecting the search of merchant vessels.

It will however, be far more satisfactory to his majesty to learn, that upon reconsideration, you think yourself authorized to separate the two questions.

I hope you will allow me to express at the same time, the sincere pleasure which I should feel in having to treat with you, sir, personally, for the re-establishment of a good understanding between our two countries.

I have the honor to be,
With the highest consideration,
Sir,
Your most obedient,
Humble servant,

(Signed)

GEORGE CANNING.

Portland Place, September 29, 1807.

SIR,

I have had the honor to receive your letter of the 23d of this month, and shall transmit it without delay to my government.

I perceive by it, with great regret, that his Britannic majesty's government is not disposed to enter into an arrangement at this time of all the differences that have arisen between our governments respecting the impressment of seamen from American vessels by British cruizers; that it is willing to look to one object only, the late aggression, and provide for it, while the other is left to depend on future adjustment. My government had presumed that his majesty's government would have seen in the recent and greater injury, a strong motive for bringing the whole subject into one view, and providing for it at the same time. The

excess of the latter outrage could not fail to revive in the mind of the suffering party, a high sense of former injuries; and it was reasonable to infer, that the great injustice inseparable from the practice of which the incident furnished so striking an example, would have produced between our governments the most prompt and friendly co-operation in the means of suppressing it. That the United States have suffered a greater injury, by a recent occurrence, than they had done before, cannot be a good reason, and ought not to be a motive, for delaying redress of the others; especially when it is considered, that they were already in a train of amicable accommodation and arrangement. Since, however, you inform me that his majesty's government is unwilling to take up the subject in a combined view, it is unnecessary for me to press it.

You ask whether I am authorized to separate this latter incident from the general practice, and to treat it as a distinct topic? On this point I have to state, that my instructions, which are explicit, enjoin me to consider the whole of this class of injuries as an entire subject; and, indeed, so intimately are they connected in their nature, that it seems to be difficult, if not impossible, to separate them for any useful purpose to either party. My government being sincerely desirous to place the relations of the two powers on the solid basis of permanent friendship, is satisfied, as well by what has occurred in the general practice, as by the more awful admonition derived from the late incident, that, that can only be done with effect, by mounting to the source of the evil and providing an adequate remedy for it. In pursuing this great object it is my duty to repeat, that my government does not seek to confine the remedy proposed to the injuries which the United States have suffered and continue to suffer, but is desirous to extend it to those also which are complained of by Great Britain. Experience has shewn that both parties complain of injuries, though certainly of a very different character and less urgent nature.

How much more advisable then is it not, in every view, for them to enter into an arrangement which shall provide an adequate remedy for their respective injuries; which shall bind the honor of each government to do what is just and right in respect to the other, and enlist the feelings of each nation on its side, than to suffer things to remain longer in their present state? How much more advantageous would not such an arrangement be likely to prove to Great Britain in the part cular object which she has in view, than her adherence to a practice which rejects a mean which could not fail to be more productive; a practice which cannot be maintained in principle; which leads by immutable causes, that ought to inspire different sentiments in the parties to each other, to great and constant abuse, and which is also considered by the United States, as subversive of their rights and degrading to their character as an independent power.

So much I have thought it proper to state, in order to place in a just light the conduct of my government on the present occasion, on this great and very interesting subject of impressment. Well knowing its desire to cultivate the most friendly relations with Great Britain, on just and honorable conditions, it would be highly improper that any doubt should be suffered to exist on that point.

You inform me that his majesty has determined, in case my instructions do not permit me to separate the late aggression from the general practice of impressment, to transfer the business to the United States, by committing it to a minister who shall be sent there with full powers to conclude it. To that measure, I am far from being disposed to raise any obstacle, and shall immediately apprize my government of the decision to adopt it. Under such circumstances I perfectly agree with you in the opinion that it would be useless to pursue a discussion which it would be impossible for me to bring to a satisfactory conclusion.

It is still my duty to give the explanation which

you have desired, of the motives which induced the president to adopt the measures announced in his proclamation of the 2d of July last. However great the injury which the United States had received, by the aggression complained of, it is just that it should be shewn that the president did not lose sight in those measures of the friendly relations subsisting between the two powers. When the hostile nature of the attack on the Chesapeake is taken into view, and the general conduct of the British squadron within the waters of the United States, before and after the attack, I am persuaded that there was no limit to which the president would not have been justified in going, which he might have thought essential to the honor and safety of the nation. Before the attack, the British squadron had violated the jurisdiction of the United States by the impressment of men within it, whom the commander had refused to surrender; and after the attack, the attitude which he assumed continued to be of a very menacing and hostile character. An act of hostility, it must be admitted, justifies any act of a like nature towards the party who commits it. The president, however, did not believe that his majesty's government had authorized the conduct of the British squadron, and his measures were evidently founded on that belief. They were marked by no circumstance of hostility or of retaliation towards Great Britain; but were intended simply to preserve order within the jurisdiction of the United States, to which end the removal of the British squadron without their limits became indispensible. After the acts of violence which had been committed by that squadron, it was impossible that it should remain longer there without increasing the irritation and widening the breach between the two nations, which it was the earnest object of the president to prevent. There certainly existed no desire of giving a preference in favor of the ships of war of one belligerent party to those of another. Before this aggression it is well

known that his Britannic majesty's ships lay within the waters of the Chesapeake, and enjoyed all the advantages of the most favored nation: it cannot therefore be doubted, that my government will be ready to restore them to the same situation as soon as it can be done consistently with the honor and rights of the United States.

I cannot conclude this communication without expressing my earnest hope that the differences which have unhappily arisen between our governments may soon be settled, on conditions honorable and satisfactory to both the parties.

To have co-operated with you in the accomplishment of so great and useful a work, would have been highly gratifying to me. The disposition which you brought to the discussion, and the sentiments which you communicated on the principal transaction when the first intelligence of it was received, inspired me with great confidence that we should soon have been able to bring it to such a conclusion. To have been a party to it, would have terminated my mission to his majesty in the mode which I have long and sincerely desired.

I have the honor to be,
With the highest consideration,
Sir,
Your most obedt. humble servt.
(Signed) JAMES MONROE.

The right honorable
GEORGE CANNING, &c. &c. &c.

Portland Place, October 9, 1807.

Mr. Monroe presents his compliments to Mr. Canning, and requests that he will be so good as to inform him whether it is intended that the minister whom his majesty proposes to send to the government of the United States, shall be employed in a special mission with-

out having any connection immediate or eventual with the ordinary legation. Mr. Monroe has inferred from Mr. Canning's note, that the mission will be of the special nature above described, but he will be much obliged to Mr. Canning to inform him whether he has taken a correct view of the measure. Mr. Monroe would also be happy to know of Mr. Canning at what time it is expected that the minister will sail for the United States. Mr. Canning will be sensible that Mr. Monroe's motive in requesting this information is, that he may be enabled to communicate it, without delay, to his government, the propriety of which, he is persuaded, Mr. Canning will readily admit.

Mr. Monroe requests Mr. Canning to accept the assurance of his high consideration.

The right honorable,
GEORGE CANNING, &c. &c. &c.

Foreign Office, October 10, 1807.

FROM MR. CANNING.

Mr. Canning presents his compliments to Mr. Monroe, and in acknowledging the honor of his note of yesterday, has great pleasure in assuring him that he is at all times ready to answer any inquiries to which Mr. Monroe attaches any importation, and which it is in Mr. Canning's power to answer with precision, and without public inconvenience. But it is not in Mr. Canning's power to state with confidence what may be the *eventual* determination of his majesty, in respect to the permanent mission in America. The mission of the minister whom his majesty is now about to send will certainly be limited *in the first instance* to the discussion of the question of the Chesapeake.

JAMES MONROE, esquire, &c. &c. &c.

London, October 10, 1807.

SIR,

I have the honor to transmit to you by doctor Bullus a copy of my correspondence with Mr. Canning on the subject which was committed to my care by your letter of the sixth of July last. You will find by it, that the pressure which has been made on this government, in obedience to the instruction contained in that letter, has terminated in a decision to send a minister to the United States, to adjust the business there. What the powers of that minister will be; whether it is intended to confine them to the sole object of reparation for the special outrage, or to extend them, in case the proposed separation of that from the general topic of impressment is admitted, to the latter object, it is not in my power to state. Mr. Canning has given me no information on that head in conference, and his note is not explicit on it. It states that the minister who shall be sent to the United States to bring the dispute relative to the attack on the Chesapeake to a conclusion, shall not be empowered to entertain, as connected with that subject, any proposition respecting the search of merchant vessels. A presumption is authorized by those terms that the minister will have power to proceed to treat on the general topic, after the special one is arranged. But it is possible that that presumption may have been raised for some other purpose, or that the terms which excite it were introduced merely to convey the idea that the mission should be confined to the special object.

In the discharge of this delicate and important trust, I thought I should be able more effectually to promote its object, by opening the subject to Mr. Canning in conference than by an official note. As the attitude taken by my government, which was evidently supported by the whole nation, was of a very impressive nature; it seemed probable from the feverish state of the public mind here in regard to us,

that a tone of conciliation which should not weaken the pressure, would be more likely to succeed in obtaining the reparation desired, than an official and peremptory demand. Under this impression I had several conferences with Mr. Canning, the substance of which, in each, I will endeavor to state with precision. A knowledge of what passed in these interviews, in aid of that which is afforded by the correspondence, will enable you to form the most correct idea of the object of the proposed mission, that present circumstances will admit of.

The first interview was on the 3d of September, as soon as it could be obtained after the receipt of your letter of July the 6th, which was on the 30th of August. I informed Mr. Canning that as I wished the discussion in which we were about to enter to terminate amicably and honorably to both our governments, I had asked the interview for the purpose of promoting that desirable end: that by explaining to each other fully, in friendly conference, the views of our respective governments relative to the late aggression, I was persuaded that it would be more easy for us to arrange the business to the satisfaction of both parties, than by any other mode which we could pursue. He expressed his sensibility to that which I had chosen, and his readiness to concur in it. I then stated in detail, in explicit terms, the reparation which my government thought the United States entitled to, and expected that they should receive, for the injury and indignity offered by the late aggression; that the men taken from the frigate should be restored to it; that the officers who had committed the aggression should be exemplarily punished; that the practice of impressment from merchant vessels should be suppressed; and that the reparation consisting of those several acts should be announced to our government through the medium of s special mission, a solemnity which the extraordinary nature of the aggression particularly required. I observed that as the aggression

and the principle upon which it was founded had been frankly disavowed as soon as known by his government, I was persuaded that there could be no serious objection on its part to any of the acts which it was desired should constitute the proposed reparation; that to the first act, the restoration of the men, there could doubtless be none, as the least that could be done, after such an outrage, would be to replace the United States, as far as it might be practicable, on the ground they held before the injury was received; that the punishment of the officers followed as a necessary consequence to the disavowal of the act; that the suppression of the practice of impressment from merchant vessels had been made indispensible by the late aggression, for reasons which were sufficiently well known to him. I stated to him that the mode in which it was desired that the reparation should be made, by a special mission, was that which had been adopted by other powers, and by Great Britain herself, for injuries less severe than the one alluded to, of which I gave him the examples furnished me in your letter of July 6th. Mr. Canning took a note of what I had stated, and made some general remarks on the whole subject, which were intended to give his view of it on each point, but without compromitting himself in a positive manner on any one. He said that by the proclamation of the president, and the seizure and detention of some men who had landed on the coast to procure water, the government seemed to have taken redress into its own hands; he complained of the difference which he said we had made between France and England, by restoring deserters to the vessels of the former, and not the latter; he insisted that the late aggression was an act which differed in all respects from the former practice, and ought not to be connected with it, as it shewed a disposition to make a particular incident in which they were in the wrong, instrumental to an accommodation in a case where his government held a different doctrine. I

urged in reply, that the proclamation could not be considered as an act of hostility or retaliation for injuries, though the aggression had provoked and would have justified any, the strongest, act of reprisal; but as a mere measure of policy, which had become indispensible for the preservation of order within the limits of the United States: I informed him that the men who had landed from the squadron in defiance of the proclamation, and of the law on which it was founded, had been restored to it: that with respect to the other point, the difference said to be made in the case of deserters from British and French ships I was unacquainted with the fact, but was satisfied if the statement was correct, that the difference was imputable to the local authorities, and not to the national government; because as the United States were not bound by treaty to restore deserters from the service of either nation, it was not presumable that their government would interfere in the business. I observed however that if such a preference had been given, there was a natural and justifiable cause for it, proceeding from the conduct of the squadrons of France and England, on the coast of the United States, and on the main ocean, it being a well known fact that the former did not maintain as a right or adopt in practice the doctrine of the latter to impress seamen from our merchant vessels. I then discussed at length and urged with great earnestness the justice and policy of his terminating at this time all the differences which had arisen between our governments from this cause, by an arrangement which should suppress the practice on the part of Great Britain, and remedy the evil of which she complained. In aid of those reasons which were applicable to the merits of the question, I urged the example given by the late ministry, in the paper of November the 8th, presented to Mr. Pinkney and myself, by the British commissioners, which had, as I thought, laid the foundation of such an arrangement.

I stated that as it was stipulated by that paper, that the negociation should be kept open for the purpose of arranging this great interest, without prejudice to the rights of either party, it was fairly to be understood as the sense of both parties that our rights were to be respected, till that arrangement was concluded, whence it would follow that the same effect would be produced in practice, as if it had been provided for by treaty. I relied on this paper and the construction which I thought it admitted, with which however the practice had since in no degree corresponded, to shew the extent to which the former ministry had gone in meeting the just views of our government, and thereby to prove that the present ministry in improving that ground had nothing to apprehend from the preceding one. Mr. Canning admitted that the view which I had taken of that paper derived much support from its contents, and the time and circumstances under which it was presented, but persisted in his desire to keep the subjects separate. I proposed, as an expedient to get rid of his objection, that we should take up and arrange both points informally, in which case provided it was done in a manner to be obligatory, I offered to frame my note which should demand reparation for the outrage, in general terms, so as that it should not appear by official document, that the subjects had any connection in the negociation. I urged that unless it was intended to make no provision against impressment from merchant vessels, I could see no objection to his meeting me on that ground, as after what had passed it was impossible to take up either subject without having the other in view, and equally so to devise any mode which should keep them more completely separate, than that which I proposed. Mr. Canning still adhered to his doctrine of having nothing to do with impressment from merchant vessels, till the affair of the Chesapeake was disposed of, after which he professed his willingness to proceed to the other object. In this manner the con-

ference ended without having produced the arrangement which I had hoped from it. Mr. Canning's conduct was in all other respects conciliatory.

My note to Mr. Canning was founded on the result of this conference. As it had not been in my power to come to any agreement with Mr. Canning on the great subject of impressment from merchant vessels, I considered it my duty to combine it with the affair of the Chesapeake, in the paper which I presented him to claim reparation for the outrage. I thought it best, however, to omit the other acts of which it was desired that the reparation should consist. It seemed probable that a specification of each circumstance, in the note, would increase the indisposition of the ministry to accommodate, and give it support with the nation, in a complete rejection of the demand. I expressed myself, therefore, in regard to the other acts, in general and conciliatory terms, but with all the force in my power. The details had been communicated to Mr. Canning in conference too recently to be forgotten. Still it was just that no improper inference should be drawn from the omission of them. To prevent it, I obtained an interview of Mr. Canning immediately after my note was presented, in which, after reminding him of the omission alluded to, the motive to which I presumed he could not mistake, I added that my object in asking the interview had been to repeat to him informally, what I had stated in the former one, the other acts of which my government expected that the reparation should consist. In this interview nothing occurred without the limit of the special object for which it had been obtained. Mr. Canning did not lead the conversation to any other topic, and I could not invite it.

Mr. Canning's answer to my note was delayed more than a fortnight; having refused to treat the subjects in connection, and intimated in plain terms that if I was not authorized to separate them, it would be needless to prolong the discussion. I thought it improper to press it. My reply was equally explicit:

so that with it, the negotiation ended. The measure which he announced, as being determined on by the king, in case I could not agree to the separation, is completely the act of his government. You will observe that it is announced in a form which precludes in a great degree, the idea of its being adopted at my suggestion, as an act of reparation, and in a tone of decision which seemed equally to preclude my holding any communication with him on it.

My mission being thus brought to an end, has afforded an opportunity for me to return to the United States, as I have long desired. Nothing but the great interest which I take in the welfare of my country, and my earnest desire to give all the aid in my power to the present administration in support of the pure principles of our most excellent constitution, would have detained me here so long. In the present state however, it is not possible, if in any it would be, for me to render any service by a longer continuance here. As soon therefore as I had answered Mr. Canning's note I communicated to him my intention to return, and requested that he would be so good as to obtain for me an audience of the king, for the purpose of taking my leave of him. This was granted on the 7th of this month, in which I renewed the assurance of the sincere desire of my government to preserve the most friendly relation between the United States and Great Britain, which sentiment was reciprocated by his majesty. Mr. Pinkney succeeds me, by an arrangement with Mr. Canning, which will appear in the enclosed copy of my correspondence with him, and which I have full confidence the president will approve. I regret that in transfering the business into his hands, I do not leave him altogether free from difficulty.

I have the honor to be,
With great respect, sir,
Your most obedient servant,
JAMES MONROE.

James Madison, esq. secretary of state.

P. S. Not being satisfied with the undefined character of the proposed mission to the United States, and Mr. Canning having communicated nothing to me on the subject in my interview with him on the day I was presented to the king, although an opportunity was afforded for the purpose, I wrote him a note after the commencement of this letter, to make certain inquiries on that head, a copy of which note, and of his answer, is herewith inclosed. You will observe that he still holds himself aloof on it. I though it my duty, and that it comported with strict delicacy, to make the inquiry, and I cannot but consider his reserve as affording cause for an unfavorable inference. It is probable, however, as the door is left open for further communication between us till the moment of my departure, that he will take some other occasion to explain himself more fully on the subject. You may be assured that I will seek every favorable opportunity to obtain such explanation from him.

Foreign Office, Oct. 22, 1807.

FROM MR. CANNING.

SIR,

Having seen in the American newspapers an official article (of which I have the honor to inclose a copy) prohibiting all intercouse between the inhabitants of the United States and his majesty's ships of war *universally*, I have the honor to request that you will have the goodness to inform me whether this prohibition will extend to the ship of war in which a minister, accredited from his majesty, and charged with a mission to the American government, shall arrive in any of the ports of the United States? Or whether you, or Mr. Pinkney, can undertake to furnish Mr. Rose with such

documents as shall insure his admission into the American ports, and a reception therein suitable to the character with which he is invested.

I have the honor to be,
With great consideration,
Sir,
Your most obedient servant,
(Signed) GEORGE CANNING.

James Monroe, esq. &c. &c. &c.

Portland Place, Oct. 23, 1807.

TO MR. CANNING.

SIR,

I have the honor to state in reply to your letter of yesterday, that the case to which you alluded is specially provided for by the proclamation of the president. You will observe, on a view of that document, that an exception is made from the prohibition it contains on other vessels in favor of such ships of his majesty as may enter the ports of the United States with dispatches from his majesty's government. Had the case of a public minister, employed in a special mission to my government, not been comprised in that exception, as it clearly is, I have no hesitation in stating that he would be received without delay at any port at which he might arrive. I have the honor to add that Mr. Pinkney and myself will be happy to give to his majesty's minister every facility in our power to secure him the reception at the port of his destination which is due to his public character, and promote his speedy arrival at the seat of the government of the United States.

I have the honor to be,
With great consideration, &c.
(Signed) JAMES MONROE.

The right honorable
George Canning, &c. &c. &c.

Foreign Office, Oct. 23, 1807,
½ past 10 p. m.

FROM MR. CANNING.

SIR,

I have to acknowledge the honor of your answer to my letter of yesterday evening. It appears to me to be so important to have a clear understanding on the subject to which that letter refers, that I cannot forbear requesting you to have the goodness to call at the foreign office to-morrow at two o'clock, if that hour should suit your convenience.

I have the honor to be,
With great consideration,
Sir,
Your obedient servant,
(Signed) GEORGE CANNING.

James Monroe, esq. &c. &c. &c.

LONDON, October 28, 1807.

SIR,

I have the honor to send you a copy of a correspondence with Mr. Canning, touching a difficulty which he supposed Mr. Rose might experience in entering the bay of Chesapeake, in consequence of the proclamation of the president. In the interview invited by his last note I expressed my surprise that any doubt should exist on the subject of it, and assured him that Mr. Pinkney and myself would be responsible for Mr. Rose's prompt admission into our harbors, and arrival at Washington, without suffering the slightest molestation; on the contrary, that he should receive every attention and facility on the route which he might require. I told him that no document from us would be necessary for that purpose; but that, to put the question beyond all doubt, we would give him a passport, which should go to eve-

ry object in detail, and that we would also give him letters of introduction to the governors of Maryland and Virginia, the states through which he would pass, to be taken advantage of if he found that they would be useful. With this explanation and arrangement Mr. Canning was satisfied.

I also send you a copy of a letter from Mr. Rose, senior, and of my answer, relative to the mission of his son to the United States. Although Mr. Rose's letter is unofficial, I have thought it proper, in consideration of his near connection with the minister, and station in the government, to communicate it.

I leave this to-morrow to meet in the channel the Augustus, the ship in which I propose to sail with my family to the United States. She has left this port, and is on her way to Portsmouth, where she will receive us. Mr. Rose, by going in a frigate, will most probably arrive before me, and even before Dr. Bullus. It is important that you should possess all the information which I can give, respecting the business in which I have been lately engaged with Mr. Canning, and of Mr. Rose's mission, at the moment of his arrival. I have, therefore, thought it advisable to commit to him this letter and a copy of my correspondence with Mr. Canning, as Mr. Pinkney and I have done of our joint dispatch. I expect to be at sea in a week from this date, and shall proceed to Washington immediately after my arrival in the United States, to communicate to you such further information as I may have relative to the important concerns of our country in which I have been employed.

I have the honor to be,
With great respect,
Sir,
Your most obedient servant,

JAMES MONROE.

James Madison, Secretary of State, Washington.

Correspondence between Mr. Madison and Mr. Rose.

WASHINGTON,

January 26, 1808.

SIR,

HAVING had the honor to state to you, that I am expressly precluded by my instructions from entering upon any negotiation for the adjustment of the differences arising from the encounter of his majesty's ship Leopard, and the frigate of the United States, the Chesapeake, as long as the proclamation of the president of the United States, of the 2d July, 1807, shall be in force, I beg leave to offer you such farther explanation of the nature of that condition, as appears to me calculated to place the motives under which it has been enjoined to me thus to bring it forward in their true light.

In whatever spirit that instrument was issued, it is sufficiently obvious, that it has been productive of considerable prejudice to his majesty's interests as confided to his military and other servants in the United States, to the honor of his flag, and to the privileges of his ministers accredited to the American government. From the operation of this proclamation have unavoidably resulted effects of retaliation and self-assumed redress, which might be held to affect materially the question of the reparation due to the United States, especially in as much as its execution has been persevered in after the knowledge of his majesty's early, unequivocal, and unsolicited disavowal of the unauthorized act of admiral Berkeley, his disclaimer of the pretension exhibited by that officer to search the national ships of a friendly power for deserters, and the assurances of prompt and effectual reparation, all communicated without loss of time, to the minister of the United States in London, so as not to leave a doubt as to his majesty's just and amicable

intentions. But his majesty, making every allowance for the irritation which was excited, and the misapprehensions which existed, has authorized me to proceed in the negotiation upon the sole discontinuance of measures of so inimical a tendency.

You are aware, sir, that any delay which may have arisen in the adjustment of the present differences, is not imputable to an intention of procrastination on the part of his majesty's government: on the contrary, its anxiety to terminate as expeditiously as possible the discussion of a matter so interesting to both nations, has been evinced by the communication made by Mr. secretary Canning, to Mr. Monroe, before that minister of the United States was even informed of the encounter, and now by the promptitude with which it has dispatched a special mission to this country for that express purpose.

I can have no difficulty in stating anew to you, with respect to the provisions of my instructions, calculated as they are to insure an honorable adjustment of the important point in question, and to remove the impressions which the late cause of difference may have excited in the minds of this nation, that I am authorized to express my conviction, that they are such as will enable me to terminate the negotiation amicably and satisfactorily.

Having learnt from you, sir, that it is solely as a measure of precaution, the provisions of the proclamation are now enforced, I must persuade myself that a due consideration of his majesty's conduct in this transaction, will remove as well any misapprehensions which may have been entertained respecting his majesty's dispositions towards the United States, as the grounds upon which that enforcement rests, and the more so, as it has long been a matter of notoriety that the orders, issued to the officers of his majesty's navy, in his proclamation of the 16th October, 1807, afford ample security that no attempt can again be made to assert a pretension, which his majesty from the first disavowed.

I may add, that if his majesty has not commanded me to enter into the discussion of the other causes of complaint, stated to arise from the conduct of his naval commanders in these seas, prior to the encounter of the Leopard and the Chesapeake, it was because it has been deemed improper to mingle them, whatever may be their merits, with the present matter so much more interesting and important in its nature; an opinion, originally and distinctly expressed by Mr. Monroe, and assented to by Mr. secretary Canning. But if upon this more recent and more weighty matter of discussion, upon which the proclamation mainly and materially rests, his majesty's amicable intentions are unequivocally evinced, it is sufficiently clear, that no hostile disposition can be supposed to exist on his part, nor can any views be attributed to his government, such as, requiring to be counteracted by measures of precaution, could be deduced from transactions which preceded that encounter.

In offering these elucidations, I should observe, that the view in which I have brought forward the preliminary, which I have specified, is neither as to demand concession, or redress, as for a wrong committed: into such, the claim to a discontinuance of hostile provisions cannot be construed; but it is simply to require a cessation of enactments injurious in their effects, and which, if persisted in, especially after these explanations, must evince a spirit of hostility, under which his majesty could not authorize the prosecution of the present negotiation, either consistently with his own honor, or with any well founded expectation of the renewal or duration of that good understanding between the two countries, which it is equally the interest of both to foster, and to ameliorate.

I have the honor to be,
With the highest consideration, Sir,
Your obedient and
Most humble servant,
(Signed) G. H. ROSE.

(COPY) DEPARTMENT OF STATE,

March 5, 1808.

SIR,

I have had the honor to receive and lay before the president your letter of the 26th January, in which you state that you are "expressly precluded by your instructions from entering upon any negotiation for the adjustment of the differences arising from the encounter of his Britannic majesty's ship the Leopard and the frigate of the United States the Chesapeake, as long as the proclamation of the president of the 2d of July, 1807, shall be in force."

This demand, sir, might justly suggest the simple answer, that before the proclamation of the president could become a subject of consideration, satisfaction should be made for the acknowledged aggression which preceded it. This is evidently agreeable to the order of time, to the order of reason, and, it may be added, to the order of usage as maintained by Great Britain, whenever in analogous cases, she has been the complaining party.

But as you have subjoined to the preliminary demand, certain explanations, with a view doubtless to obviate such an answer, it will best accord with the candor of the president, to meet them with such a review of the whole subject as will present the solid grounds on which he regards such a demand as inadmissible.

I begin with the occurrences from which the proclamation of July 2d resulted. These are in general terms referred to by the instrument itself. A more particular notice of the most important of them, will here be in place.

Passing over, then, the habitual but minor irregularities of his Britannic majesty's ships of war, in making the hospitalities of our ports subservient to the annoyance of our trade, both outward and inward, a practice not only contrary to the principles of public

law, but expressly contrary to British ordinances enforced during maritime wars to which she bore a neutral relation, I am constrained, unwelcome as the task is, to call your attention to the following more prominent instances.

In the summer of the year 1804, the British frigate the Cambrian, with other cruizers in company, entered the harbour of New York. The commander, Capt. Bradley, in violation of the port laws relating both to health and revenue, caused a merchant vessel just arrived, and confessedly within the limits and under the authority of the United States, to be boarded by persons under his command, who, after resisting the officers of the port in the legal exercise of their functions, actually impressed and carried off a number of seamen and passengers into the service of the ships of war. On an appeal to his voluntary respect for the laws, he first failed to give up the offender to justice, and finally repelled the officer charged with the regular process for the purpose.

This procedure was not only a flagrant insult to the sovereignty of the nation, but an infraction of its neutrality also, which did not permit a belligerent ship thus to augment its force within the neutral territory.

To finish the scene, this commander went so far as to declare, in an official letter to the minister plenipotentiary of his Britannic majesty, and by him communicated to this government, that he considered his ship, whilst lying in the harbor of New York, as having dominion around her, within the distance of her buoys.

All these circumstances were duly made known to the British government, in just expectation of honorable reparation. None has ever been offered. Capt. Bradley was advanced from his frigate to the command of a ship of the line.

At a subsequent period several British frigates under the command of captain Whitby, of the Leander, pursuing the practice of vexing the inward and out-

ward trade of our ports, and hovering for that purpose about the entrance of that of New York, closed a series of irregularities, with an attempt to arrest a coasting vessel, on board of which an American citizen was killed by a cannon ball which entered the vessel whilst within less than a mile from the shore.

The blood of a citizen thus murdered, in a trade from one to another port of his own country, and within the sanctuary of its territorial jurisdiction, could not fail to arouse the sensibility of the public, and to make a solemn appeal to the justice of the British government. The case was presented moreover to that government by this, in the accent which it required ; and with due confidence that the offender would receive the exemplary punishment which he deserved. That there might be no failure of legal proof of a fact sufficiently notorious of itself, unexceptionable witnesses to establish it were sent to Great Britain at the expense of the United States.

Captain Whitby was notwithstanding honorably acquitted ; no animadversion took place on any other officer belonging to the squadron ; nor has any apology or explanation been made since the trial was over, as a conciliatory offering to the disappointment of this country at such a result.

A case of another character occurred in the month of September, 1806. The Impetueux, a French ship of 74 guns, when aground within a few hundred yards of the shore of North Carolina, and therefore visibly within the territorial jurisdiction and hospitable protection of the United States, was fired upon, boarded and burnt, from three British ships of war, under the command of captain Douglass. Having completed this outrage on the sovereignty and neutrality of the United States, the British commander felt no scruple in proceeding thence into the waters near Norfolk, nor in the midst of the hospitalities enjoyed by him, to add to what had passed a refusal to discharge from his ships, impressed citizens of the

United States not denied to be such, on the plea that the government of the United States had refused to surrender to the demand of admiral Berkeley, certain seamen alleged to be British deserters ; a demand which it is well understood your government disclaims any right to make.

It would be very superfluous to dwell on the features which mark this aggravated insult. But I must be permitted to remind you, that in so serious a light was a similar violation of neutral territory, by the destruction of certain French ships on the coast of Portugal, by a British squadron under the command of admiral Boscawan, regarded by the court of Great-Britain, that a minister extraordinary was dispatched for the express purpose of expiating the aggression on the sovereignty of a friendly power.

Lastly presents itself, the attack by the British ship of war Leopard, on the American frigate Chesapeake ; a case too familiar in all its circumstances to need a recital of any part of them. It is sufficient to remark that the conclusive evidence which this event added to that which had preceded, of the uncontrouled excesses of the British naval commanders, in insulting our sovereignty, and abusing our hospitality, determined the president to extend to all British armed ships, the precaution heretofore applied to a few by name, of interdicting to them the use and privileges of our harbours and waters.

This was done by his proclamation of July 2, 1807, referring to the series of occurrences, ending with the aggression on the frigate Chesapeake, as the considerations requiring it. And if the apprehension from the licentious spirit of the British naval commanders, thus developed and uncontrouled, which led to this measure of precaution, could need other justification than was afforded by what had passed, it would be amply found in the subsequent conduct of the ships under the command of the same captain Douglass.

This officer, neither admonished by reflections on the crisis produced by the attack on the Chesapeake, nor controuled by respect for the law of nations, or the laws of the land, did not cease within our waters to bring to, by firing at vessels pursuing their regular course of trade ; and in the same spirit which had displayed itself in the recent outrage committed on the American frigate, he not only indulged himself in hostile threats, and indications of a hostile approach to Norfolk, but actually obstructed our citizens in the ordinary communication between that and neighbouring places. His proceedings constituted in fact, a blockade of the port, and as real an invasion of the country, according to the extent of his force, as if troops had been debarked, and the town besieged on the land side.

Was it possible for the chief magistrate of a nation, who felt for its rights and its honor, to do less than interpose some measure of precaution at least against the repetition of enormities which had been so long uncontrouled, by the government whose officers had committed them, and which had at last taken the exorbitant shape of hostility and of insult seen in the attack on the frigate Chesapeake ? Candour will pronounce that less could not be done ; and it will as readily admit that the proclamation comprising that measure, could not have breathed a more temperate spirit, nor spoken in a more becoming tone. How far it has received from those whose intrusions it prohibited, the respect due to the national authority, or been made the occasion of new indignities, needs no explanation.

The president having interposed this precautionary interdict, lost no time in instructing the minister plenipotentiary of the United States to represent to the British government the signal aggression which had been committed on their sovereignty and their flag, and to require the satisfaction due for it ; indulging the expectation, that his Britannic majesty would at

once perceive it to be the truest magnanimity, as well as the strictest justice, to offer that prompt and full expiation of an acknowledged wrong, which would re-establish and improve both in fact and in feeling, the state of things which it had violated.

This expectation was considered as not only honorable to the sentiments of his majesty, but was supported by known examples, in which, being the complaining party, he had required and obtained, as a preliminary to any counter complaints whatever, a precise replacement of things, in every practicable circumstance, in their pre-existing situation.

Thus in the year 1764, Bermudians and other British subjects, who had according to annual custom, taken possession of Turks island for the season of making salt, having been forcibly removed with their vessels and effects by a French detachment from the island of St. Domingo, to which Turks-island was alleged to be an appurtenance, the British ambassador at Paris, in pursuance of instructions from his government, demanded, as a satisfaction for the violence committed, that the proceedings should be disavowed, the intention of acquiring Turks-island disclaimed, orders given for the immediate abandonment of it on the part of the French, every thing restored to the condition in which it was at the time of the aggression, and reparation made of the damages which any British subjects should be found to have sustained, according to an estimation to be settled between the governors of St. Domingo and Jamaica. A compliance with the whole of this demand was the result.

Again : In the year 1789, certain English merchants having opened a trade at Nootka Sound, on the North-West coast of America, and attempted a settlement at that place, the Spaniards who had long claimed that part of the world as their exclusive property, dispatched a frigate from Mexico, which captured two English vessels engaged in the trade, and

broke up the settlement on the coast. The Spanish government was the first to complain, in this case, of the intrusions committed by the British merchants. The British government, however, demanded that the vessels taken by the Spanish frigate should be restored, and adequate satisfaction granted, *previous to any other discussion.*

This demand prevailed; the Spanish government agreeing to make full restoration of the captured vessels, and to indemnify the parties interested in them for the losses sustained. They restored also the buildings and tracts of land of which the British subjects had been dispossessed. The British, however, soon gave a proof of the little value they set on the possession, by a voluntary dereliction under which it has since remained.

The case which will be noted last, though of a date prior to the case of Nootka Sound, is that of Falkland's Islands. These islands lie about one hundred leagues eastward of the streights of Magellan. The title to them had been a subject of controversy among several of the maritime nations of Europe. From the position of the islands and other circumstances, the pretension of Spain bore an advantageous comparison with those of her competitors. In the year 1770, the British took possession of Port Egmont in one of the islands, the Spaniards being at the time in possession of another part, and protesting against a settlement by the British. The protest being without effect, ships and troops were sent from Buenos-Ayres by the governor of that place, which forcibly dispossessed and drove off the British settlers.

The British government looking entirely to the dispossession by force, demanded as a specific condition of preserving harmony between the two courts, not only the disavowal of the Spanish proceedings, but that the affairs of that settlement should be immediately restored to the precise state in which they were previous to the act of dispossession. The Spanish

government made some difficulties; requiring particularly a disavowal, on the part of Great Britain, of the conduct of her officer at Falkland's islands, which, it was alleged, gave occasion to the steps taken by the Spanish governor; and proposing an adjusment by mutual stipulation in the ordinary form.

The reply was, that the moderation of his Britannic majesty having limited his demand to the smallest reparation he could accept for the injury done, nothing was left for discussion but the mode of carrying the disavowal and restitution into execution; *reparation losing its value if it be conditional*, and to be obtained by any stipulation whatever from the party injured.

The Spanish government yielded. The violent proceedings of its officers were disavowed. The fort, the port, and every thing else were agreed to be immediately restored to the precise situation which had been disturbed; and duplicates of orders issued for the purpose to the Spanish officers, were delivered into the hands of one of the British principal secretaries of state. Here again it is to be remarked, that satisfaction having been made for the forcible dispossession, the islands lost their importance in the eyes of the British government, were in a short time evacuated, and port Egmont remains with every other part of them in the hands of Spain.

Could stronger pledges have been given than are here found, that an honorable and instant reparation would be made in a case, differing no otherwise from those recited, than as it furnished to the same monarch of a great nation, an opportunity to prove, that adhering always to the same immutable principle, he was as ready to do right to others, as to require it for himself?

Returning to the instructions given to the minister plenipotentiary of the United States at London, I am to observe that the president thought it just and expedient to insert as a necessary ingredient in the adjust-

ment of the outrage committed on the American frigate, a security against the future practice of the British naval commanders, in impressing from merchant vessels of the United States on the high seas, such of their crews as they might undertake to denominate British subjects.

To this association of the two subjects, the president was determined, 1st, by his regarding both as resting on kindred principles; the immunity of private ships, with the known exceptions made by the laws of nations, being as well established as that of public ships; and there being no pretext for including in these exceptions the impressment (if it could be freed from its enormous and notorious abuses) of the subjects of a belligerent by the officers of that belligerent. The rights of a belligerent against the ships of a neutral nation, accrue merely from the relation of the neutral to the other belligerent, as in conveying to him contraband of war, or in supplying a blockaded port.

The claim of a belligerent to search for, and seize on board neutral vessels on the high seas, persons under his allegiance, does not therefore rest on any belligerent right under the law of nations, but on a prerogative derived from municipal law; and involves the extravagant supposition, that one nation has a right to execute at all times and in all cases, its municipal laws and regulations, on board the ships of another nation not being within its territorial limits.

The president was led to the same determination, 2dly, by his desire of converting a particular incident into an occasion for removing another and more extensive source of danger to the harmony of the two countries: and 3dly, by his persuasion, that the liberality of the propositions authorized with this view, would not fail to induce the ready concurrence of his Britannic majesty; and that the more extensive source of irritation and perplexity being removed, a satisfactory adjustment of the particular incident would be

the less difficult. The president still thinks that such would have been the tendency of the mode for which he had provided; and he cannot, therefore, but regret that the door was shut against the experiment, by the peremptory refusal of Mr. Canning to admit it into discussion, even in the most informal manner, as was suggested by Mr. Monroe.

The president felt the greater regret, as the step he had taken towards a more enlarged and lasting accommodation, became thus a bar to the adjustment of the particular and recent aggression which had been committed against the United States. He found, however, an alleviation in the signified purpose of his Britannic majesty, to charge with this adjustment a special mission to the United States, which, restricted as it was, seemed to indicate a disposition from which a liberal and conciliatory arrangement of one great object at least might be confidently expected.

In this confidence, your arrival was awaited with every friendly solicitude; and our first interview having opened the way by an acquiescence in the separation of the two cases insisted on by his Britannic majesty, notwithstanding the strong grounds on which they had been united by the president, it was not to be doubted that a tender of the satisfaction claimed by the United States for a distinguished and an acknowledged insult by one of his officers, would immediately follow.

It was not, therefore, without a very painful surprise that the error of this expectation was discovered. Instead of the satisfaction due from the original aggressor, it was announced that the first step towards the adjustment must proceed from the party injured; and your letter now before me, formally repeats, that as long as the proclamation of the president which issued on the 2d July, 1807, shall be in force, it will be an insuperable obstacle to a negotiation even on the subject of the aggression which preceded it; in other words, that the proclamation must be put

out of force before an adjustment of the aggression can be taken into discussion.

In explaining the grounds of this extraordinary demand, it is alleged to be supported by the consideration that the proceeding and pretension of the offending officer, has been disavowed: that general assurances are given of a disposition and intention in his Britannic majesty to make satisfaction; that a special minister was dispatched with promptitude, for the purpose of carrying into effect this disposition: and that you have a personal conviction that the particular terms, which you are not at liberty previously to disclose, will be deemed by the United States satisfactory.

With respect to the disavowal it would be unjust not to regard it as a proof of candor and amity towards the United States, and as some presage of the voluntary reparation which it implied to be due. But the disavowal can be the less confounded with the reparation itself; since it was sufficiently required by the respect which Great Britain owed to her own honor; it being impossible that an enlightened government, had hostility been meditated, would have commenced it in such a manner, and in the midst of existing professions of peace and friendship. She owed it also to consistency with the disavowal on a former occasion in which the pretension had been enforced by a British squadron against the sloop of war Baltimore, belonging to the United States; and finally to the interest which Great Britain has, more than any other nation, in disclaiming a principle which would expose her superior number of ships of war, to so many indignities from inferior navies.

As little can the general assurances that reparation would be made, claim a return which could properly follow the actual reparation only. They cannot amount to more than a disposition, or at most a promise to do what the aggressor may deem a fulfilment of his obligation. They do not prove even a dispo-

sition to do what may be satisfactory to the injured party, who cannot have less than an equal right to decide on the sufficiency of the redress.

In dispatching a special minister for the purpose of adjusting the difference, the United States ought cheerfully to acknowledge all the proof it affords on the part of his Britannic majesty of his pacific views towards them, and of his respect for their friendship. But whilst they could not, under any circumstances, allow to the measure more than a certain participation in an honorable reparation, it is to be recollected that the avowed and primary object of the mission was to substitute for the more extended adjustment proposed by the United States, at London, a separation of the subjects as preferred by his Britannic majesty, and you well know, sir, how fully this object was accomplished.

With respect to the personal conviction which you have expressed, that the terms which you decline to disclose would be satisfactory to the United States, it is incumbent on me to observe that with the highest respect for your judgment and the most perfect confidence in your sincerity, an insuperable objection manifestly lies, to the acceptance of a personal and unexplained opinion, in place of a disclosure which would enable this government to exercise its own judgment in a case affecting so essentially its honor and its rights. Such a course of proceeding would be without example; and there can be no hazard in saying that one will never be afforded by a government which respects itself as much as yours justly does; and therefore can never be reasonably expected from one which respects itself as much as this has a right to do.

I forbear, sir, to enlarge on the intrinsic incongruity of the expedient proposed. But I must be allowed to remark, as an additional admonition of the singular and mortifying perplexity in which a compliance might involve the president, that there are in the let-

ter of Mr. Canning, communicating to Mr. Monroe the special mission to the United States, pregnant indications that other questions and conditions may have been contemplated which would be found utterly irreconcileable with the sentiments of this nation.

If neither any nor all of these considerations can sustain the preliminary demand made in your communication, it remains to be seen whether such a demand rests with greater advantage on the more precise ground on which you finally seem to place it.

The proclamation is considered as a hostile measure, and a discontinuance of it as due to the discontinuance of the aggression which led to it.

It has been sufficiently shewn that the proclamation, as appears on the face of it, was produced by a train of occurrences terminating in the attack on the American frigate, and not by this last alone. To a demand therefore that the proclamation be revoked, it would be perfectly fair to oppose a demand that redress be first given for the numerous irregularities which preceded the aggression on the American frigate, as well as for this particular aggression, and that effectual controul be interposed against repetitions of them. And as no such redress has been given for the past, notwithstanding the lapse of time which has taken place, nor any such security for the future, notwithstanding the undiminished reasonableness of it, it follows, that a continuance of the proclamation would be consistent with an entire discontinuance of one only of the occurrences from which it proceeded.

But it is not necessary to avail the argument of this view of the case, although of itself entirely conclusive. Had the proclamation been founded on the single aggression committed on the Chesapeake, and were it admitted that the discontinuance of that aggression merely, gave a claim to the discontinuance of the proclamation, the claim would be defeated by the incontestible fact, that that aggression has not been discontinued. It has never ceased to exist; and is in existence at this moment. Need I remind

you, sir, that the seizure and asportation of the seamen belonging to the crew of the Chesapeake, entered into the very essence of that aggression, that with an exception of the victim to a trial forbidden by the most solemn considerations, and greatly aggravating the guilt of its author, the seamen in question are still retained, and consequently that the aggression, if in no other respect, is by that act alone continued and in force ?

If the views which have been taken of the subject have the justness which they claim, they will have shewn that on no ground whatever can an annulment of the proclamation of July 2d, be reasonably required, as a preliminary to the negotiation with which you are charged. On the contrary, it clearly results, from a recurrence to the causes and object of the proclamation, that, as was at first intimated, the strongest sanctions of Great-Britain herself, would support the demand, that previous to a discussion of the proclamation, due satisfaction should be made to the United States ; that this satisfaction ought to extend to all the wrongs which preceded and produced that act; and that even limiting the merits of the question to the single relation of the proclamation to the wrong committed in the attack on the American frigate, and deciding the question on the principle that a discontinuance of the latter required of right a discontinuance of the former, nothing appears that does not leave such a preliminary destitute of every foundation which could be assumed for it.

With a right to draw this conclusion, the president might have instructed me to close this communication, with the reply stated in the beginning of it; and perhaps in taking this course, he would only have consulted a sensibility, to which most governments would, in such a case, have yielded. But adhering to the moderation by which he has been invariably guided, and anxious to rescue the two nations from the circumstances, under which an abortive issue to your mission, necessarily places them, he has autho-

rized me, in the event of your disclosing the terms of reparation which you believe will be satisfactory, and on its appearing that they are so, to consider this evidence of the justice of his Britannic majesty as a pledge for an effectual interposition with respect to all the abuses against a recurrence of which the proclamation was meant to provide, and to proceed to concert with you, a revocation of that act, bearing the same date with the act of reparation to which the United States are entitled.

I am not unaware, sir, that according to the view which you appear to have taken of your instructions, such a course of proceeding has not been contemplated by them. It is possible, nevertheless, that a re-examination, in the spirit in which I am well persuaded it will be made, may discover them to be not inflexible to a proposition, in so high a degree, liberal and conciliatory. In every event the president will have manifested his willingness to meet your government on a ground of accommodation, which spares to its feelings, however misapplied he may deem them, every concession not essentially due to those which must be equally respected; and consequently will have demonstrated that the very ineligible posture given to so important a subject in the relations of the two countries, by the unsuccesful termination of your mission, can be referred to no other source, than the rigorous restrictions under which it was to be executed.

I make no apology, sir, for the long interval between the date of your letter and that under which I write. It is rendered unnecessary by your knowledge of the circumstances to which the delay is to be ascribed.

With high consideration and respect,
I have the honor to be, sir,
You most obedient servant,
(Signed) JAMES MADISON.

George H. Rose, esquire,
His Britannic majesty's minister, &c.

WASHINGTON, March 17, 1808.

SIR,

BEING deeply impressed with the sense of his majesty's anxiety, that full effect should be given to those views of justice and moderation, by which his conduct has been regulated through the whole of the unfortunate transaction whence the present differences have arisen; and of the disappointment of which he would learn the frustration of his just and equitable purposes; I have felt it incumbent upon me, on the receipt of the letter which you did me the honor to address to me on the 5th instant, to apply anew to this matter the most ample and serious consideration. It is with the most painful sensations of regret that I find myself on the result of it, under the necessity of declining to enter into the terms of negotiation, which by direction of the president of the United States, you therein offer. I do not feel myself competent, in the present instance, to depart from those instructions, which I stated in my letter of the 26th of January last, and which preclude me from acceding to the condition thus proposed. I should add, that I am absolutely prohibited from entering upon matters unconnected with the specific object I am authorized to discuss, much less can I thus give any pledge concerning them. The condition suggested, moreover, leads to the direct inference, that the proclamation of the president of the United States of the 2d of July, 1807, is maintained either as an equivalent for reparation for the time being, or as a compulsion to make it.

It is with the more profound regret that I feel myself under the necessity of declaring, that I am unable to act upon the terms thus proposed, as it becomes my duty to inform you, in conformity to my instructions, that on the rejection of the demand stated in my former letter, on the part of his majesty, my mission is terminated. And as his majesty's government in providing me with those instructions, did not conceive that after the declaration of his sentiments respecting

the affair of the Chesapeake was made known to this government, the state of any transactions pending or unterminated between the two nations could justify the perseverance in the enforcement of the president's proclamation, I can exercise no discretion on this point.

As on a former occasion I detailed, though minutely, the motives for that demand on the part of his majesty, which I with so much concern learn to be deemed inadmissible by the government of the United States, I should here abstain from an exposition of them, which visibly can have no further effect upon the negotiation, if I did not deem it essential that they should not be left under any misapprehension which I might be able to remove. I shall, therefore, take a short review of the transaction, which has given rise to these discussions, in order the more correctly to determine the soundness of the principle on which that demand is made.

Certain deserters from his majesty's navy, many of them his natural born subjects, having entered into the service of the United States, were repeatedly and fruitlessly demanded by the British officers, of the recruiting officers of the United States, but were retained in their new service. As it was a matter of notoriety that several of these deserters were on board the frigate of the United States the Chesapeake, they were demanded of that frigate on the high seas by his majesty's ship Leopard, and all knowledge of their presence on board being denied, she was attacked and four of them, one avowedly a native Englishman, were taken out of her. Without being deterred by the consideration of how far circumstances hostile in their nature had provoked, though they undoubtedly by no means justified this act of the British officer, his majesty's government directed, that a positive disavowal of the right of search asserted in this case, and of the act of the British officer as being unauthorized, and a promise of reparation, should be conveyed to the American minister in London, before he had made

any representation by order of the United States. This disavowal made on the 2d of August last, was transmitted by him to his government, before the 6th of that month. But before Mr. Monroe had received his orders to demand reparation, his majesty learnt, with what surprise it is needless to dwell upon, that the president of the United States had interdicted by proclamation bearing date the 2d of July, 1807, the entry of all their ports to the whole of his navy. This surprise was certainly increased, when in the letter delivered by that minister to require redress for the wrong, although it went into details unconnected with it, not only no concern was expressed on the part of the United States, at having felt themselves compelled to enact measures of so much injury and indignity towards a friendly power, but no mention was made of the causes of such measures being resorted to, or even of the fact of their having been adopted. In addition to the embarrassment arising from these circumstances, and the insufficiency of the explanations subsequently given to Mr. Canning, the introduction of a subject foreign to that of the complaint became the main impediment to the success of the discussions which took place in London. When I had the honor to open the negotiation with you, sir, as I had learnt that the president's proclamation was still in force, it became my duty, conformably to my instructions, to require its recall as a preliminary to further discussion : had it not been in force, I was not ordered to have taken it into consideration in the adjustment of reparation, and it was considered as hardly possible that it should not have been recalled immediately upon the knowledge of his majesty's disavowal of the attack upon the Chesapeake, as an unauthorized act. But his majesty could not suffer the negotiation to be carried on, on his behalf, under an interdict, which even if justifiable in the first moment of irritation, cannot be continued after the declaration of his majesty's sentiments upon the transaction, except in a spirit of hostility.

It might have been fairly contended that in the first instance, the exercise of such an act of power, before reparation was refused or unduly protracted, was incompatible with the purposes and essence of pacific negotiation, and with a demand of redress through that channel; but such have been his majesty's conciliatory views, that this argument has not been insisted on, although it might now be the more forcibly urged, as it appears that the government of the United States was from the first sensible, that, even had the hostility been meditated by the British government, it would not have commenced it in such a manner. But the exception taken, is to the enforcement continued up to the present time, of measures highly unfriendly in their tendency, persisted in, not only after the disavowal in question; the promise of the proffer of suitable reparation; and the renewed assurances of his majesty's amicable disposition, but after security has been given in a public instrument bearing date the 16th of October, 1807, that the claim to the seizure of deserters from the national ships of other powers, cannot again be brought forward by his majesty's naval officers; it is unnecessary to dwell upon the injury and indignity to which his majesty's service is exposed, both as touching the freedom and security of correspondents of his agents and accredited ministers in the United States, or as resulting from a measure which in time of war, excludes the whole of his navy from all their ports, which ports are completely open to the fleets of his enemies: it will be sufficient to observe, that even where exemptions from it are granted, they are made subject to such conditions, that of the three last British ships of war, which have entered these ports upon public business, two of them, his majesty's ship Statira having on board a minister sent out for the adjustment of the present differences, and a schooner bearing dispatches, in consequence of their inability to procure pilots, were obliged to enter these waters without such assistance, and were exposed to considerable

danger. Great Britain, by the forms established, could repair the wrong committed, even to the satisfaction of the United States, no otherwise than by the channel of negotiation; yet she avowed distinctly, that a wrong was committed, and that she was ready to make reparation for it; it cannot therefore be contended that the unavoidable delay of actual reparation subjected her to the imputation of persisting in an aggression, which was disclaimed from the first; if this is true, however much she will regret any impediment in the adjustment of a difference, in which the feelings of a nation are so materially interested; can she consistently with a due care of her own honor and interests, allow it to be concluded on her part, under an adherence to a conduct, which has a decided character of enmity in the proceedings held towards her by the other party.

I know not in what view the perseverance in the president's proclamation up to this moment can be considered, but in that of a measure of retaliation; or of self-assumed reparation; or a measure intended to compel reparation; unless it be that which, if I rightly understand, you define it it to be, a measure of precaution.

If, when a wrong is committed, retaliation is instantly resorted to by the injured party, the door to pacific adjustment is closed, and the means of conciliation are precluded. The right to demand reparation is incompatible with the assumption of it. When parties are in a state of mutual hostility, they are so far on a footing, and as such they may treat; but a party disclaiming every unfriendly intention, and giving unequivocal proofs of an amicable disposition, cannot be expected to treat with another whose conduct towards it has the direct effects of actual hostility. If then the enforcement of the president's proclamation, up to the present moment, is a measure of self-assumed reparation, it is directly repugnant to the spirit and fact of amicable negotiation: if it is a measure to compel reparation it is equally so: and by the per-

severance in it Great Britain is dispensed with the duty of proffering redress. But, if it is a measure of precaution, in order to secure reparation, or in order to compel it, it falls under the objections I have just stated. If it is a precaution adopted as a guard against acts of violence apprehended on the part of his majesty's naval officers, it surely cannot be considered as being as effectual a security as that arising from the renewed assurances of his majesty's friendly disposition, which imply a due observance of the rights of nations with which Great Britain is in amity, by all persons holding authority under his majesty's government; from the disavowal of the pretension of the search of national ships; and from the further assurance of that disavowal given in his majesty's proclamation of the 16th of October last: neither under these concurrent circumstances can the plea of necessity be maintained; and if such a proceeding has not the plea of necessity, it assumes the character of aggression. If these concurrent securities against such an apprehension have any value, the necessity no longer exists: if they are of no value, negotiation cannot be attempted, as the basis upon which it rests, the mutual confidence of the two parties, would be wholly wanting.

From the moment after the unfortunate affair of the Chesapeake, that his majesty's naval commanders in these waters had ascertained that they were safe from the effervescence of that popular fury, and under which the most glaring outrages were committed, and by which they were very naturally led to the supposition that they were objects of particular hostility, and that a state of war against them, requiring precautions on their part, had commenced, no conduct has been imputed to them, which could vindicate the necessity of maintaining in force the president's proclamation. Since that time such of those officers as have been necessitated by the circumstances of the war to remain in these waters, have held no communication

with the shore, except in an instance too trifling to dwell upon, and instantly disavowed by the commanding officer; and they have acquiesced quietly in various privations, highly prejudicial to the service they were upon, and in consequence of an interdict, which had they been regardless of their duties towards a state in amity with their sovereign, and had they not carefully repressed the feelings its tone and language had a direct tendency to provoke in them, would have rather excited, than have averted the evils it was stated to be intended to prevent; were they regardful of these duties, it was unnecessary. Had they felt themselves obliged completely to evacuate the waters of the United States, especially whilst an enemy's squadron was harbored in them, they could have done it; but under the admission of hostile compulsion, and under such compulsion, carried into full effect, his majesty could not have dissembled the extent of the injury received.

In the several cases adduced, in which Great Britain required certain preliminaries, previously to entering into negotiation, she regulated her conduct by the same principles to which she now adheres, and refused, whilst no hostility was exhibited on her part, to treat with powers, whose proceedings denoted it towards her; and who maintained their right in what they had assumed.

From the considerations thus offered, I trust that neither the order of reason or that of usage are in contradiction to the demand I have urged, nor am I aware how the order of time opposes the revocation in the first instance of that act, which affects injuriously one of the parties and is still avowed by the other.

The subject is thus presented to you, sir, in the light which it was natural that it should offer itself to his majesty's government. It certainly conceived the president's proclamation to rest chiefly, and most materially upon the attack made upon the frigate of the United States, the Chesapeake, by his majesty's ship the Leopard, although other topics were adduc-

ed as accessories. In this apprehension it may be held to have been sufficiently warranted, by the precise time at which, and the circumstances under which it was issued, and by its whole context, and the more so, as the impulse under which it was drawn up, appears to have been so sudden as to have precluded a due examination of all the grounds of allegation contained in it. And here I beg leave to assure you, that with respect to the spirit and tone of that instrument, it would be highly satisfactory to me, if I could feel myself justified in expressing on the part of his majesty any degree of coincidence with the opinions you have announced, or when thus appealed to, and making every allowance for the irritation of the moment, I could dissemble the extreme surprise experienced by Great-Britain, that the government of a friendly nation, even before an amicable demand of reparation was made, and yet meaning to make that demand, should have issued an edict directing measures of injury very disproportionate to what it knew was an unauthorized offence, and both in its terms and its purport so injurious to the government to which that demand was to be addressed, and tending to call forth in both nations, the feelings under which a friendly adjustment would be the most difficult. But if, as I learn from you, sir, the proclamation rests substantially on other causes, it is then peculiarly to be regretted, that, together with the demand for redress made in September last, the government of the United States did not think fit to offer a negotiation, or an explanation of so momentous a measure, or to declare that its recall must be more or less connected with the adjustment of other alleged wrongs. Neither did it think it necessary to return any answer to the remonstrance given in by his majesty's envoy at Washington, on the 13th July, 1807, in which he represented " that he considered that " interdiction to be so unfriendly in its object, and " so injurious in its consequences to his majesty's " interests, that he could not refrain from express-

" ing the most sincere regret that it ever should have
" been issued, and most earnestly deprecating its be-
" ing enforced."

It could not be supposed that a circumstance of so great weight could be overlooked by his majesty's government, in determining the line of conduct to be held in the negotiation: and as little could it be expected to pass it over, when on the failure of the discussion with Mr. Monroe, it directed a special mission to be sent to the United States. It had the less reason to imagine that any other grievances could be connected with that for the adjustment of which I am empowered to negotiate, as Mr. Monroe, in his letter to Mr. Canning of the 29th of July last, had stated with respect to other subjects of remonstrance, that it was improper to mingle them with the present more serious cause of complaint; an opinion to which Mr Canning declared his perfect assent in his letter to that minister of the 2d of the subsequent month; so that this act was left as single and distinct, to be singly and distinctly considered. His majesty's government, therefore, could not consistently with any view of the subject then before it, or indeed with the just object of my mission, direct or empower me to enter upon matters not connected with that of the Chesapeake: and they could with the less propriety do it, as in order to render the adjustment of differences of such a nature, the more easy and the more conspicuous, the ministers charged especially with such offices have been, with few if any exceptions, restricted to the precise affair to be negotiated. With respect therefore to those other causes of complaint, upon which you inform me that the president's proclamation rests, I cannot be furnished with documents enabling me either to admit or to controvert those statements of grievance, foreign to the attack upon that ship, contained in your letter, or authorized to discuss the matters themselves. I shall therefore not allow myself to offer such comments as my personal knowledge of some of those transactions sug-

gest to me, although their tendency would materially affect both the marked manner in which those transactions are pourtrayed, and the disadvantageous lights in which his majesty's government is represented to have acted respecting them. I am moreover led to the persuasion that my government will be the more easily able to rescue itself from inculpation, by the inference arising from passages in Mr. Monroe's letter to Mr. secretary Canning, of the 29th of September last, that the differences unhappily existing between the two nations were in a train of adjustment.

If his majesty has not permitted me to enter into the discussion of the search of neutral merchant ships for British seamen, together with the adjustment of the amount of reparation for the attack upon the Chesapeake; it was no wise with a view of precluding the further agitation of that question at a suitable time; but it was that the negotiation might be relieved from the embarrassment arising from the connection of the present matter with the one so foreign to it, and, as it was but too well known, so difficult to be adjusted, of a right distinctly disclaimed, with one which Great Britain has at all times asserted of enforcing her claim to the services of her natural born subjects, when found on board merchant vessels of other nations; a claim which she founds in that principle of universal law, which gives to the state the right of requiring the aid and assistance of her native citizens. The recurrence, therefore, to that course of negotiation, which had been originally settled between Mr. secretary Canning and Mr. Monroe, and which had been alone broken in upon by the orders subsequently received by that minister, can only be considered as a resumption of that course of things which Great Britain strenuously contended there was no ground to depart from. I may observe, that this purpose might have been effected without the intervention of a special minister.

It will be in your recollection, sir, that in our first interview, I stated the condition, which makes the subject of the present letter, before I was informed

by you, that the president of the United States would consent to the separation of the two subjects.

I had trusted that the exposition, which I added in my letter of the 26th of January to the verbal explanation I had before offered, of the grounds of his majesty's demand, was both in its purport, and in the terms in which it was couched, such as to prevent a suspicion that they were in their intention derogatory to the honor, or calculated to wound the just sensibility of this nation. I may add that such a supposition could not be reconciled with the various ostensible and unequivocal demonstrations of his majesty's good faith and anxiety, that this transaction should be brought to an amicable termination, which were exhibited even prior to any remonstrances on the part, or by order of this government. The other topics which I felt myself authorized to advance in that letter, in illustration of that amicable disposition on the part of the king, were brought forward from the conviction I entertained that they must be of a nature to be satisfactory to this government, and therefore, such as it was particularly my duty to enforce; but not with a view to rest upon them the right to advance the claim which I have stated.

I may here remark, it is obvious that far from requiring that the first steps towards an arrangement of reparation should be taken by the United States, Great Britain has already made them openly and distinctly: they are indubitable testimonies to the respect borne and decidedly marked by Great Britain, to the ties of amity subsisting between the two nations, and of her cordial desire to maintain them unimpaired; and as such alone they were urged.

As his majesty would have derived sincere satisfaction from the evidence of corresponding feelings on the part of the United States, so it would be the more painful to me to dwell upon a series of insults and menaces which, without any provocation of warlike preparation on the part of Great Britain, have been for

months accumulated upon her through the U. States, and but too frequently from quarters whose authority necessarily and powerfully commanded attention.

I ought, perhaps, to apologize for adverting to an incidental expression in your letter, if I did not think it right to remove any ambiguity respecting the nature of the claim which Great Britain maintained to her seamen, native citizens of the realm, who have deserted from her service to that of other powers: it is, that on demand they shall be discharged *forthwith*, and consequently they shall instantly be freed from their newly contracted obligations.

Before I close this letter, allow me to state to you, sir, that I have felt it my duty to transmit to his majesty's government, the exposition contained in your letter of the 5th instant, of the various demands on the honor and good faith of Great Britain, on which the complaint is made, that satisfaction has not been afforded to the United States, and on which conjointly with the affair of the Chesapeake, you inform me that the proclamation of the president of the United States of the second of July, 1807, is founded. It will be for his majesty's government to determine, on the part of Great Britain, whether any and what obligations remain to be fulfilled by her. Whether any denial, or such protraction of redress have occurred on her part, as to render necessary or justifiable the perseverance in an edict, which, when not necessary or justifiable, assumes a character of aggression; and whether on the result of these considerations, the present negotiation can be resumed on the part of his majesty, with a due regard for his own honor, or with a prospect of a more successful termination.

I have the honor to be,
With the highest consideration,
Sir,
Your most obedient and most
Humble servant,
(Signed) G. H. ROSE.

R971